THE Right of Succeſſion ASSERTED, Againſt the Falſe Reaſonings AND Seditious Inſinuations OF *R. DOLMAN* alias *Parſons*, And others.

By the Learned Sir JOHN HAYWARD Kt. Doctor of Laws.

Dedicated to the King; AND Now reprinted for the Satisfaction OF THE ZEALOUS PROMOTERS OF The Bill of Excluſion.

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Right of Succession

TO THE

KING'S

Moſt Excellent Majeſty.

Moſt dread Soveraign,

TO offer Excuſe for that which I needed not to have done, were ſecretly to confeſs, that having the Judgement to diſcern a fault, I wanted the Will not to commit it. Again, to ſeek out ſome colours to make it more plauſible, were to bring in queſtion the ſufficiency thereof. Therefore without further inſinuation either for Pardon or for Acceptance, I here preſent unto your Majeſty this Defence, both of the preſent Authority of Princes, and of Succeſſion according to Proximity of Bloud; wherein is maintained, that the People have no lawful Power to remove

the one, or repel the other: In which two Points I have heretofore alſo declared my opinion, by publiſhing the tragical Events which enſued the depoſition of King *Richard*, and Uſurpation of King *Henry* the Fourth. Both theſe labours were undertaken with particular reſpect to your Majeſties juſt Title of Succeſſion in this Realm: and I make no doubt, but all true-hearted Engliſhmen will always be both ready and forward to defend the ſame with expence of the deareſt drops of their bloud. The Lord vouchſafe to ſecond your honourable Entrance to the Poſſeſſion of this Crown, with a long and proſperous continuance over us.

Your Majeſties
moſt humble and faithful Subject,

JO. HAYWARD.

Qui tibi Neſtoreum conceſſit pectus & ora,
Neſtoreos etiam concedat Jupiter *annos.*

TO

R. Dolman.

YOu will think it ſtrange, Maſter Dolman, that hauing lain theſe many years in quiet harbour from the tempeſt of mens Tongues, you ſhould now feel a Storm to break upon you; peraduenture you were perſwaded (as every one ſuffereth himſelf to be beguiled with deſire) that this ſilence did grow, either upon acceptance of your opinion, or from inſufficiency to oppoſe againſt it. I aſſure you neither; but partly from contempt, and partly from fear. The contempt proceeded from the manner of your writing, wherein you regard not [illegible] but [illegible] not how either truly or penitently, but how largely you do write: endeauouring nothing elſe, but either to abuſe weak iudgements, or to feed the humours of ſuch diſcontented perſons, as want or diſgrace hath kept lower than they had ſet their ſwelling thoughts. The fear was occaſioned by the nimble Ear which lately was born to the touch of this String: For which cauſe our Engliſh Fugitiues did ſtand in ſome aduantage, in that they had free ſcope to publiſh whatſoeuer was agreeable to their pleaſure;

ſure; knowing right well, that their Books could not be ſuppreſſed, and might not be anſwered.

It may be you will queſtion, wherefore I have not anſwered your Second Part: It is ready for you, but I have not now thought fit to divulge the ſame; partly becauſe it hath been dealt in by ſome others; but principally becauſe I know not how convenient it may ſeem to diſcuſs ſuch particulars, as with general both liking and applauſe are now determined. I forbear to expreſs your true name; I have reſerved that to my Anſwer to ſome caſt Pamphlet which I expect you will caſt forth againſt me: And I make little doubt but to drive you in the end to ſuch deſperate extremity, as (with Achitophel*) to ſacrifice your ſelf to your own ſhame, becauſe your miſchievous Counſel hath not been embraced.*

An

AN ANSWER TO THE FIRST CHAPTER; whereof the Title is this.

That Succeſſion to Government by nearneſs of blood is not by law of Nature or divine, but only by humane and poſitive Laws of every particular common-wealth: and conſequently, that it may upon juſt cauſes, be altered by the ſame.

HERE you begin, that other conditions are requiſite for coming to Government by ſucceſſion, beſides propinquity or priority of blood; which conditions muſt be limited by ſome higher authority than that of the King, and yet are they preſcribed by no Law of Nature or Divine. For otherwiſe, one that wanteth his wits or ſences, or is a Turk in Religion, might ſucceed in Government; which you affirm to be againſt all Reaſon, Law, Religion, Wiſdom, conſcience, and againſt the firſt end of Inſtitution of common wealths. And that *Bylay*, who maintaineth the contrary, doth it in favor and flattery of ſome particular Prince.

What conditions are requiſit in ſucceſſion beſides priority of blood, and by what authority they are to be limited, I will then examin when you ſhall propound: but for your reaſon of this aſſertion, you muſt have

other men them *Bills* out of credit, for reason, law, conscience, and wisdom, before you carry it for clear good. As for entire contrariety in Religion, or difference in some particular points thereof, whether it be a sufficient cause of exclusion, or no, I will refer my self to that place, where you do strain your strength about it. In disabilities to govern, *Baldus* doth distinguish, whether it be natural, or accidental, affirming, that in the first case it sufficeth to exclude, because he that is incapable of government from his birth, had never any right of succession setled in him: in the other it doth not suffice; because he that is once invested in right of succession, cannot be deprived thereof without his fault.

In c. 1. tit. de succes. feud.

Many do follow this distinction; *Io. Ignæus* doth limit it, to such dignities as are not absolute. But *Jason*, *Angelus*, and divers others do indistinctly hold, that the eldest Son of a King or other Governor, although he be born either furious, or a fool, or otherwise defective, cannot therefore be excluded from his succession.

In quæst. an rex Franciæ recognoscat superiorem. In l. nemo. D. de leg. L. In l. cum prætor. non autem. D. de Judi.

These affirm, that any end of institution of Common-wealths is, if not fully, yet better satisfied, by appointing a protector of the state (as upon divers occasions it hath been usual) then by acknowledging another Prince; as well for other respects, as for that by continuance of succession in one distent, a fair and ordinary occasion is removed, both of mutiny and invasion. For enemies will not

not readily attempt, and subjects do most willingly obey that prince, whose ancestors have worn out those humors both of hatred and contempt which do commonly accompany new raised estates. I will not confirm this last opinion, by the example of *Neptune* the son of *Saturn*; who, although he was lame on both his legs, yet had the Government of the sea allotted to him: but I will confirm it by the practise of *Athens* and *Lacedæmon*, the two eyes of *Græcia*, as *Leptines* and *Justine* do aptly term them. *Herodotus* reporteth that when *Alexandrides* King of *Sparta* left 2. sons, *Cleomenes* the eldest, distracted in wits, and *Dorieus* the youngest, both of ability and inclination to all actions of honor, the *Lacedæmonians* acknowledged *Cleomenes* for their King. *Agesilaus* also the famous King of *Lacedæmon* was lame, as *Plutarch* and *Probus Aemilius* do report. *Paul. Orosius* saith, that the *Lacedæmonians* did choose to have their King halt rather than their Kingdom. *Herodotus* also writeth that after the death of *Codrus* King of *Athens*, *Medon* his eldest son, and *Neleus* the next, did contend for the Kingdom, because *Neleus* would not give place to *Medon*, who was by reason of his lame legs, if not unable, yet unapt to govern. The matter being almost brought to the sentence of the sword, it was mediated between them, that the controversie should be decided by the Oracle of *Apollo*. *Apollo* was consulted; by whose Judgment *Medon* was declared King. *Iosephus* 1

Apud Aristot. rhetor. 3. ca. 10 Lib 5. In cerp. sychore.

In ejus vita. Lib. 3. ca. 2.

Ubi 5.

Antiqu.14.ca. hath left recorded, that *Aristobulus* and *Hircanus* after a long and cruel contention for the Kingdom of Jury, made *Pompey* the Judge of that right which by arms they were unable to decide. *Hircanus* alleaged that he was Eldest brother; *Aristobulus* excepted, that *Hircanus* was insufficient to govern a Realm. Hereupon *Pompey* gave sentence, that *Aristobulus* should give over the Kingdom which he did usurp, and *Hircanus* be restored to his Estate. The like Judgment doth *Livy* write, that *Annibal* gave for the Kingdom of that Country, which is now called *Savoy*, restoring *Brancus* unto his right, from which he had been by his younger brother expelled. And although *Pyrrus* did appoint that Son to succeed, whose sword had the best edge, yet was the eldest acknowledged, who bare the least reputation for valour. *Lisander* moved the *Lacedamonians* to decree, that the most sufficient, and not always the next in bloud, of the line of *Hercules* should be admitted to the Kingdom, yet *Plutarch* saith, that he found no man to second his advise.

Lib. 1. a. bell Punici.

Allobroges.

In Lisandr.

I will add an example of later times. *Ladislaus*, a man more famous for the sanctity of his life, then for his Kingdom of *Hungary*, left by his brother *Grisa* two Nephews; *Colomannus* the elder, who was dwarfy, lame, crook-backt, crab-faced, blunt, and bleareyed, a stammerer, and (which is more) a Priest: and *Almus* the younger, a man free from just exception. Yet these respects set aside

aside, a dispensation was obtained from the Pope, and *Colomannus* notwithstanding his deformities and defects, was accepted by the people for King. *Girard* writeth, that the custom of the French was to honour their Kings whatsoever they were, whether foolish or wise, able or weak: esteeming the Name of King to be sacred, by whomsoever it should be born. And therefore they supported in Estate, not only *Charls* the simple, but *Charls* the 6. also, who raigned many years in open distemperature and disturbance of mind.

Michael Riccius. Lib. 1 de Status de France

So you see, that the practise of many Nations have been contrary to your conceit: and that the interpreters of the civil and Canon Law (good arbitrators of natural equity) either bare against you, or stand for you only when disability is natural: adding further, that if the excluded successor hath a Son, before or after succession doth fall, free from any such defect, the right of the Kingdom descendeth unto him. This affirmeth *Baldus*, *Socinus*, *Cardinal Alexander*, and before them, *Andreas Isernia*. Because the Inability of Parents doth not prejudice the Children, especially in regard of their natural Rights: neither is it any impediment wherefore they should not enjoy either priviledge or dignity from the person of their Grand-father. *Magis est* (saith *Vlpian*) *ut avi potius dignitas prosit, quam obsit casus patris:* It is fitter that the Son should receive profit

Cons. 189 lib. 1 Cons. 47 lib. 3. In c. 1. tit. an mutus vel imperfectus. in c. vit. Epis. vel ab. Lib. 3. D. de interdic. & rel. l. 2. C. de liberi. & cor. lib. 1. divi fratres D. jur. patr. l. quæritur D. de bo. lib.

panor. cons. 85. lib. 1 Io. Anno, in c. significasti de fo. comp. In l. vii. in fi. de senat.

profit by the dignity of his Granfather, then prejudice by his Fathers chance.

And this (we may think) is a reasonable respect, wherefore other interpreters have not allowed their principal opinion, in repelling him who is disabled by birth. For if another be once possessed of his place, it will be hard for any of his Children to attaine their right. Whereupon disunion, factions, Wars may easily arise. It is inconvenient (I grant) to be governed by a King, who is defective in body or in mind: But it is a greater inconvenience, by making a breach in this high Point of State, to open an Entrance for all disorders, wherein ambition and insolency may range at large. For as mischief is of that Nature that it cannot stand, but by supportance of another Evil, and so multiplyeth in it self, till it come to the highest, and then doth ruine with the proper weight: So minds once exceeding the bounds of obedience, cease not to strengthen one boldness by another, until they have involved the whole State in confusion. We find that *Gabriel* the youngest brother of the House of *Saluse* kept his Eldest brother in close Prison, usurped his Estate, and gave forth for satisfaction to the People, that he was mad. I could report many like Examples: But I shall have occasion to speak more hereof in the further passage betwixt us.

After this you conclude three points.

1 That inclination to live in company is of nature.

2 That

2 That Government and Jurisdiction of Magistrates is also of nature.

3 That no one particular Form of Government is natural; for then it should be the same in all Countries, seeing God and Nature is one to all.

But before I joyn with you, either in contradiction or consent, it shall not be amiss to declare briefly, what we understand by the law of nature, and by what means it may best be known.

God in the creation of man, imprinted certain rules within his soul, to direct him in all the actions of his life: Which rules, because we took them when we took our Being are commonly called the primary Law of Nature: Of which sort the canons accompt these precepts following. *To worship God: To obey Parents and Governors, and thereby to conserve common society: lawful conjunction of man and woman: succession of children: education of children: acquisition of things which pertain to no man: equal liberty of all: to communicate commodities: to repel force: to hurt no man*: and generally, *to do to another as he would be done unto*: which is the sum and substance of the second table of the decalogue. And this Law *Thomas Aquine* affirmeth to be much depraved by the fall of man; and afterwards more by error, evil custom, pertinacy, and other corrupters of the mind: and yet doth it yield us so large light, that Saint *Paul* did esteem it sufficient to condemn

c. Ius naturale dist. 3.

1.2 q. 94 d. 2

Rom. cap. 2. 23

demn the Gentiles, who had no other Law written.

Out of these precepts are formed certain customs, generally observed in all parts of the World: which, because they were not from the beginning, but brought in afterward, some as a consequence or collection, others as a practise or execution of the first natural precepts are called the secondary Law of nature, and by many also the Law of Nations. *Gaius*, saith: *that which natural reason doth constitute among all men, is observed by all alike, and termed the Law of Nations*: and the same is called by *Justinian*, *the Law of Nature*. *Cicero* likewise saith: *the consent of all Nations is to be esteemed the Law of Nature.*

Quod naturalis ratio inter omnes homines constituit, id apud omnes perzeque custoditur vocaturque jus gentium l. 9. D. de just. & jur.

Just de rer. divi. singulorum. In re consensio omnium gentium, lex naturæ putanda est. 2 Thuscul. In l. 1. C. de usuris.

But this is to be taken, not as though all Nations have at any time observed one usage alike: it is not necessary saith *Baldus*, that the word *all* should carry so large a sence: neither hath it ever been brought into knowledge what customs all Nations have held in use. And it is most certain, that there is not one point or precept of the Law of Nature, but, by reason, partly of the weakness, partly of the corruption, which the fall of *Adam* did fasten in his posterity, some people have at all times, either neglected or else depraved: some being so dull as they could not perceive, others so malicious as they would deny, that which nature did lay before them. Yea, such is either the weakness or wilfulness of our judgment, that they

they who are not only admitted but admired for wise men, do many times disagree in determining what is most agreeable to nature: much less may we either expect or imagine, that all Nations, so different, so distant, never so much as now, and yet not now fully discovered, should jump in one Judgment for uniform observation of any custom: neither is that no natural Right, as *Zenophon* noteth, which many daily do transgress. Socrat.

And therefore *Donellus* did unjustly reject the discription which *Gaius* gave of the Law of Nations, by taking the word all in the amplest sence. S. *Ambrose* and S. *Hierom* did in this sort declare it; that we are to take that for a Decree of Nations, which successively and at times hath been observed by all. But as for any one time, as it is to be judged the decree or custom of a whole City, which hath passed by consent of the most part, although all have not allowed, and some perhaps have opposed against it; so is it to be esteemed the Law of Nations, the common Law of the whole World, which most Nations in the World are found to imbrace. In com. ju. 6. Ad ephes. 4. Tit. C 3. de decret. ab ord. fac. l. 32. de legi.

And because Government was not from the beginning, but induced as a consequence of the primary Precept of Nature; to maintain human Society: therefore whensoever we speak of natural Government, we are intended to mean the secondary Law of Nature, which is the received custom, successively of all, and always of most Nations in the World.

Out

Out of this we may gather, that three rules do chiefly lead us to the Knowledge of this Law. The first is that which *Cicero* in the like giveth: *to appeal unto sence*: because there is no man but by the light of nature, hath some sence of that which nature doth allow. S. *Augustine* saith, *I know not by what conscience we feel these things*: and likewise *Tertullian*: *Nature hath tainted all Evil either with fear or shame.* Whereto agreeth that which S. *Ambrose* saith: *although they deny it, they cannot but shew some tokens of shame.* Hereupon the authors of the civil Law do reject that for unjust, which is not demanded without shew of shame. For, as *Cassiodorus* writeth; *God hath given all men such a sence of justice, that they who know not the Laws, cannot but acknowledge the reason of truth.*

Ad Q. fratrem. provocandum ad sensus Interiori nescio qua conscientia illæc sentimus. de util. cred. Omne malum aut timore aut pudore naturæ perfudit. In a-pol. Licet possint negare, non possunt tamen non erubescere: 3. de offic. 14. L. 3. si aure. D. de usurp. l. 8. D. quib. mo. pi. fol. l. 15. de cond. l. 14. D. de nup. 7. var. 16. topic. prin.

But because this light of nature, in many men is exceeding dim; the next rule is to observe what hath been allowed by those who are of greatest both wisdom and integrity, in whom Nature doth shew her self most clear. For as *Aristotle* saith; *that is probable which proved men do approve.* Among these, the first place pertaineth unto them, who by inspiration of God, have compiled the Books of holy Scripture: to whom as attendants we may adjoyn the antient Counsels and Fathers of the Church. The next place is to be given to the Authors of the civil Law; whose Judgment hath been these many hundred Years, admired by many, approved by all, and is at this day accepted for Law, almost

almost in all states of the Christian common-wealth. To these also we may adjoyn, as attendants, their interpreters of most approved note. The third place is due to Philosophers, Historiographers, Orators and the like; who have not unprofitably endeavored to free nature of two clouds, wherewith she is often overcast: gross ignorance, and subtil Error.

But because natural reason, as *Alciate* affirmeth, doth sometimes vary, according to the capacity of particular men; even as the Sun, being in it self always the same, giveth neither heat nor light to all alike: the third rule followeth, to observe the common Use of all Nations, which *Cicero* calleth; *the voice of Nature*: because as *Aristotle* hath written, *it is not done by chance which every where is done. Plato* saith, *this shall be the proof hereof, that no man doth otherwise speak*: & likewise *Baldus, I dare not disallow that which the World alloweth.* And in this common Law or Custom of the World, three circumstances are to be considered: antiquity, continuance, and generality.

5. consil. 38.

Ipsius vocem naturæ. de natur. deor. 15. prob. 3.

8. de legib.

4 consil. 496.

Now when your first position is so clearly true, that you do but guild Gold in labouring to prove it: for *man* is not only sociable by nature, but (as *Aristotle* affirmeth) *more* sociable than any other living creature. These notorious points, the more we prove, the more we obscure.

1. polit.

Your second is also true, for as *Tully* saith, *without Empire, neither House, nor City, nor Nation,*

sine Imperio nec domus ulla, nec civitas,

nec gens, nec hominem universum genus stare, nec rerum naturam omnis nec ipse denique mundus potest. 3. de legib.

Nation, nor Mankind can stand, nor the Nature of all things, nor in a word, the World it self. Whereto agreeth that of *Aristotle*: *Government is both necessary and also profitable.* But whereas you bring in proof hereof, that there was never People found, either in antient Time, or of late Discovery, which had not some Magistrate to govern them, neither is it necessary, and yet false. It is not necessary to have so large a consent of Nations, as I have declared before: and it is false that in all Times and Nations there have been Magistrates. After the deluge, Magistrates were not known until Kings did arise, as hereafter it shall appear. The Jews were often without either Magistrates or Government: Whereupon in certain places of the Book of Judges it is thus written: *In those days there was no King in Israel, but what seemed right to every man that did he.*

τὸ γὰρ ἄρχειν ἢ ἄρχεσθαι οὐ μικρὸν ἀλλὰ πολὺ ἀναγκαῖον, ἀλλὰ καὶ συμφέρον. 1. polit. ca. 3.

cz. 17. ver. 6. & ca. vlt. in fi.

Sometimes *Democratical* Government doth draw to a pure *Anarchie*, and so doth the *interregnum* of elective principalities. *Leo Afer* reporteth, that in *Guzala*, a country of Africk, the people have neither King nor form of Government; but upon days of mart, they elect a Captain to secure their traffick. The same Author delivereth, that the inhabitants of the Mountain *Magnan*, upon the frontiers of *Fez*, have no form of common wealth, but do stay travellers (unpartial judges) to decide their controversies. *Leo* himself was arrested to be their judge, and when he had spent many days in determining

ing their debates, he was in the end presented with hens, ducks, geese and other of their country commodities, which served only to discharge his host. And if this your reason should be of force then were not sociability natural, because many men have made choice to live alone.

But how then, will you say, is nature immutable? It is in *abstracto*, but it is not in *subjecto*. Or thus: In it self it is not changed: in us, by reason of our imperfections, it is. Or else more plainly; it is not changed, but it is transgressed. But nature, you say, is alike to all. Not so, good sir, because all are not apt alike to receive her: even as the sun beams do not reflect alike upon a clean and clear glass, and upon a glass that is either filthy or course: And in many, not only men, but nations, evil custom hath driven nature out of place, and setteth up it self in stead of nature.

L. si quis post; humos. D. de lib. et posth.

Your third conclusion, that no particular form of Government is natural, doth not find so easie acceptance. Your only proof is, that if it were otherwise, there should be one form of Government in all Nations; because God and nature is one to all. But this reason I have encountred before: and yet you take pains to puff it up with many wast words; how the Romans changed Government, how in Italy there is, a Pope, a King and many Dukes; how *Millaine*, *Burgundie*, *Loraine*, *Bavier*, *Gascoine*, and *Britain* the less were changed from Kingdoms to Dukedoms, how

Germany

Germany was once under one King, and is now divided among Dukes, Earles, and other supreme Princes; How *Castile*, *Aragone*, *Portugall*, *Barcelona* and other countries in Spain, were first Earldoms, then Dukedoms, then several Kingdoms, and now are united into one; how *Boeme* and *Polonia* were once Dukedoms, and now are Kingdoms; how France was first one Kingdom, then divided into four, and lastly reduced into one. How England was first a Monarchy, under the *Britains*, then a Province under the *Romans*, after that divided into seven Kingdoms, and lastly reduced into one; how the People of *Israel* were first under Patriarcks, *Abraham*, *Isaac*, and *Jacob*, then under Captains, then under Judges, then under high Priests, then under Kings, and then under Captains and high Priests again.

I will not follow you in every by way whereinto your errors do lead (for who would have adventured to affirm, that the Children of *Israel* were under *Abraham* and *Isaac*; and that the *Britains* at the first were under one King, whereas *Cæsar* reporteth that he found four Kings in that Country which is now called *Kent*) but I will only insist upon the principal point, in regard whereof, all this bundel of words is like a blown bladder, full of wind, but of no weight.

For first you do but trifle upon tearms, in putting a difference between Kings, Dukes, and Earls, which hold their state with Soveraign power. We speak not of the names, but

but of the Government of Princes. Supreme Rulers may differ in name; they may change name alſo, either by long uſe, or upon occaſion: and yet in Government neither differ nor change.

Secondly, it is a more vain jeaſt to put a difference (in this regard) between a great territory and a ſmall. If a Kingdom be enlarged or ſtreightned in limits, the Government is not thereby changed; if many Kingdoms be united into one; if one be divided into many; the nature of Government is no more altered, then is the tenure of land, either when partition is made, or when many parts accrewe into one. The knot of doubt is, whether it be not natural, that one ſtate, be it great or ſmall, ſhould rather be commanded by one perſon, howſoever intitled, then by many.

And if we deſcend into true diſcourſe, we ſhall find, that the very ſinews of Government do conſiſt, in commanding and in obeying. But obedience cannot be performed, where the commandments are, either repugnant or uncertain; neither can theſe inconveniencies be any ways avoided, but by union of the Authority which doth command.

This union is of two ſorts; firſt, when one commandeth; ſecondly, when many do knit in one power and will. The firſt union is natural; the ſecond is by means of amity, which is the only band of this collective body, and the more they are who joyn in Government, the

the less natural is their union, and the more subject to dissipation. For as *Tacitus* saith: *equality and amity are scarce compatible*

Arduum sem per eodem loci potentiam & concordiam esse. iiii. annal.

Natural reason teacheth us, that all multitude beginneth from one, and the ancient Philosophers have held, that from unity all things do proceed, and are again resolved into the same. Of which opinion *Laertius* reporteth that *Museus* of *Athens* was Author, who lived long before *Homer*: but afterwards it was renewed by *Pythagoras*, as *Plutarch*, *Alexander*, and *Laertius* do write: who added thereunto, that Unity is the original of good, and *duality* of evil: And of this opinion Saint *Hierome* was also, whose sentence is repeated in the canonical *decrees*, but under the title & name of Saint *Ambrose*. Hereupon *Homer* doth oftentimes call good ἐνέα, & applyeth the terme δίων, to affliction & trouble. Hereupon *Galen* also writeth, that the best in every kind is one. *Plato* produceth all things from one; measureth all things by one; and reduceth all things into one.

In principio lib. de vitis sententiisque Philosophorum. Lib. de dogmatis Philosophorum. In successionibus Philosophorum. Lib. 8. de vitis & sententiis Philosophorum. Lib 1. contra Iovinian. C. nuptiæ. 32. di. 1. Lib. 6. de sanit. tuend. In Timæo. In Philebo. In Epinomide.

The whole world is nothing but a great state; a state is no other then a great family; and a family no other then a great body. As one GOD ruleth the World, one master the family, as all the members of one body receive both sence and motion from one head, which is the seat and tower both of the understanding and of the will: so it seemeth no less natural, that one state should be governed by one commander.

The first of these arguments was used by *Soliman*

Soliman, Lord of the Turks. Who having strangled *Sultane Mustapha* his son, because at his return out of *Persia*, he was received by the soldiers with great demonstrations of joy; he caused the dead body to be cast forth before the armie, and appointed one to cry; *There is but one God in Heaven, and one Sultane upon Earth.* The second was used by *Agesilaus*, to one that moved the *Spartans* for a popular government; go first (said he) and stablish a popular Government within your own doors. To the third *Tacitus* did allude, when he said: *The body of one Empire seemeth best to be governed by the soul of one man.*

Anno. 1552.

Unum imperii corpus unius animo regendum videtur. 1. annal.

In the Heavens there is but one Son; which *Serinus* also applyeth unto Government, in affirming, that if we set up two Suns, we are like to set all in combustion.

οἱ θέλουσι δύο ἥλιοι γίνεσθαι, κείσθυνος πάντα συμφλεχθέντα διαφθαρῆναι,

Many sociable creatures have for one company, one principal either Governour or guide; which all Authors take for a natural Demonstration of the Government of one.

And if you require herein the testimony of men, you shall not find almost any that writeth upon this subject, but he doth, if not allege, yet allow that of *Homer*: εἷς κοίρανος ἔστω, εἷς βασιλεύς: *one Lord, one King. Plutarch* declareth both his own Judgment concerning this point, and also the consent of others, in affirming that all men did acknowledge, that the Government of a King is the most excellent benefit that God hath given unto Men.

παντὲς ἀν ὁμολογήσαιεν τυραννίδα καὶ τῶν θείων ἀγαθὼν, καὶ τῶν ἀνθρωπίνων μέγιστον, καὶ συμφόρατον, καὶ περιμαχητότατον ἔτι in euagora ὁ διὸς βασιλῆς.

Διστρεφὴς βασιλῆας. In cap. 2.

Callimachus saith, that Kings proceed from God: *Homer* affirmeth, that they are cherished by God. Your self do shew out of *Aristotle*, *Seneca*, *Plutarch*, S. *Hierome*, S. *Chrysostome* and S. *Peter*, that Monarchy is the most exeellent and perfect Government, most resembling the Government of God, and most agreeable unto Nature. But what do you mean to acknowledge all this, and yet to deny that Monarchy is natural? do you take it to be above Nature? or how else is it most excellent and perfect? how is it most agreeable to Nature, and yet not natural? can any Action be most agreeable to Justice, and yet not just? I know not by what stratagem, or cunning crank of the Schools, you can be made agreable to your self.

But now if we consider the general custom of all people, we shall find that all the antient Nations in whom the Laws of Nature were least corrupt, had no other Government: as the *Assyrians*, *Medes*, *Persans*, *Parthians*, *Indians*, *Scythians*, *Syrians*, *Phanicians*, *Arabians*, *Ægyptians*, *Africans*, *Numidians*, *Mauritanians*, *Britans*, *Celtes*, *Gaules*, *Latines*, *Hetruscanes*, *Sicilians*, *Athenians*, *Lacademonians*, *Corinthians*, *Achaans*, *Sicyonians*, *Candians*, and in one word, all. *Tullie* saith: *it is certain, that all antient Nations were under Kings*: with which opinion *Salust* consenteth; and *Justine* also, where he saith, *the Empire of Nations at the first was in the Hands of Kings*. And when the People of *Israel* desired a King, they alledged that all other

certum est omnes antiquas gentes regibus paruisse. 3. de legib. In Catilin. Principio rerum, gentium nationumque

ther Nations were governed by Kings. The Athenians were the first (as *Plinie* affirmeth) who set up the Government of many, whose example certain other Towns of *Greece* did follow, rather blinded by ambition, then led by Judgment. Among these, if the highest Authority were in the least part of the Citizens, it was called *Aristocracy*; if in the most or in all, it was termed *Democracy*; wherein you confess that neither they did nor could any long time continue; but after many Tumults, Seditions, Mutinies, Outrages, Injusticies, banding of factions, and inundations of blood, they were in the end either dissolved or vanquished, and reduced again under Government of one.

Imperium penes reges erat, lib. 1.

1. reg. 8. 5.

In ca. 2.

The state of Rome began under Kings; it attained the highest pitch both of Glory and Greatness under Emperors: in the middle time, wherein it never injoyed x. years together free from sedition, *Polybius* saith that it was mixed; the Consuls representing a Monarchy, the Senate, an *Aristrocacy*, and the common People a *Democracy*: which opinion was likewise embraced by *Dionysius Halicarnasseus*, *Cicero*, *Cantarine* and others. But many do hold that the State of Rome at that time was popular: which seemeth to be confirmed by the famous Lawyer and Counseller *Ulpian*, where he saith: that the People did grant all their Power and Authority to the Prince. Whatsoever it was in show, in very deed it was always governed by some one principal Man. *Livie* writeth of *Scipio*,

Utpote cum lege regia quæ de imperio ejus lata est, populus ei & in eum omne su-

um Imperium & potestatem confera l. 1. D. de const. prin. Sub umbra ejus urbem terrarum dominam latere, ejus nutus pro decretis patrum pro jussis populi esse. lib. 30. Nemo erat quo magis inixa res romana, quam in Papirio cursore extaret. lib. 9. In pelopid. In pericle,

that under his shadow the City was protected, and that his looks were in stead of Laws: and likewise of *Papirius cursor*; that he sustained the Roman affairs. So said *Thucidides*, that Athens was in appearance popular, but *Aristides* was the true *Monarch* thereof: and *Plutarch* also affirmeth, that *Pelopidas* and *Epaminondas* were no less then Lords of the popular State of *Thebes*: but after the death of these Men, both the States of Athens and *Thebes* floated in Tumults, as the same Author observeth, like a ship in a Tempest without a Pilot. So did *Peter Sodarine Gonfalonier* of *Florence* give forth, that the title of popularity was used as a mask, to shadow the Tyranny of *Laurence Medices*: but florence did never so flourish both in honor, wealth, and quier, as under that Tyranny. Also in actions of weight, in great dangers and necessities the Romans had recourse to one absolute and supreme Commander, which *Livie* calleth the highest refuge; whose Authority as the Romans did most reverently respect, so was it many times fearful to their Enemies. Of the first, *Livie* saith; *the Dictators edict was always observed as an Oracle*: of the second, *so soon as a Dictator was created, such a Terror came upon the Enemies, that they departed presently from the walls.* Likewise in cases of extremity the *Lacedemonians* had their high Governor whom they called *Harmostes*; the *Thessalonians* had their *Archos*; and the *Mytileans* also their great *Æzymnetes*. Lastly, *Tacitus* reporteth that certain wise men

Trepidi petes ap summum auxilium decurrunt Dictatorem dici placuit lib. 6. Dictatoris edictum pro numine semper observatum lib. 6. Tantus erat dictatoris terror apud hostes, ut eo creato statim à

men discoursing of the like of *Augustus* after his death, affirmed rightly, that there was no other mean to appease the discords of the state, but by reducing it under the Government of one.

manibus discesserint, libero.

Ut recte prudentes quidam de vita Augusti post mortem ejus inter se conferentes, dixerunt, non aliud discordantis patriæ remedium fuisse, quam si ab uno regeretur. ann. 1, la epist. 1. ad Q. Fratrem.

Let us now take a view of our present age. In all *Asia*, from whence *Tully* saith, civility did first spread into other parts of the World, no Government is in use but by a Monarch, as appeareth by the *Tartarians*, *Turks*, *Persians*, *Indians*, *Chinans* and *Catajans*: no other Government is found to be founded in all the Countries of Affrick: in America also and all the west parts of the World, no other is yet discovered: Europe only, upon either declining or change of the Empire, a few Towns in *Germany* and *Italy* did revive again the Government of many: some are already returned to a Monarchy, and the residue in their time will do the like, even as all others have done which have been before them.

What then shall we say of this so antient, so continual, so general consent of all Nations? what can we say, but conclude with *Tertullian these testimonies, the more true, the more simple, the more simple, the more common, the more common, the more natural, the more natural, the more divine.*

In apolog.

But because ambition is a most fiery affection, and carrieth men blindfold into headlong hopes, whereby many do aspire to bear rule, neither they good, nor with any good either means or end; the Custom or Law of Nations

Nations hath by two Reigns endeavored to keep in this raging desire: by succession and by election. And yet again, because election is most often, if not always, entangled with many inconveniences; as first, for that the outragies during the vacancy, are many and great; every one that is either grieved or in want, assuming free power both for revenge and spoile. Secondly, for that the bouldest winneth the garland more often than the best; because the favor of the People doth always tast more of affection than of judgment. Thirdly, for that they who do not leave their state to their posterity, will dissipate the demain and work out of it either profit or friends; for so we see that the empire of *Germany* is pluckt bare of her faireſt feathers. Fourthly, for that occasions of war are hereby ministred; and that, either when one taketh his repulse for indignity, upon which ground *Francis* the first, King of France, could never be driven out of practise against *Charles* the 5. emperor; or else when by means of factions many are elected, as it happened in *Almaine* when *Lewes* of *Bavier*, and *Albert* of *Austria* were elected Emperors, whereupon eight years war between them did ensue; and as it often happened in the Empire of *Rome*, when one Emperor was chosen by the Senate, and another by the Soldiers, and sometimes by every legion one; whereby such fiers were kindled, as could not be quenched without much blood. For these wars are most cruelly executed

ecuted; because the quarrel leaveth no middle state *inter summum & precipitium*; *between the highest honor and the deadliest downfall.*

For these and divers other respects, it hath been observed, at most times in all nations, and at all times in most, that the royalty hath passed by succession, according to propinquity of blood. We read that *Ptolomy*, who after the death of *Alexander* the great seazed upon *Ægypt*, and part also of *Arabia* and of *Africk*, left that state to his youngest son; but *Trogus* said, and out of him *Justine*, that it was against the Law of Nations, and that upon this occasion one of them did work the death of the other. Lib. 16. And therefore when afterward *Ptolomy* surnamed *Physcon*, at the importunity of his Wife *Cleopatra*, would have preferred his youngest son to the succession of his Kingdom, *Justine* saith, that the People opposed themselves against it; but *Pausanias* more probably affirmeth, that they reversed his order after his death. Lib. 39. Lib.

The same course was held in *Italy* by the *Hetruscanes*, *Latines*, and those *Albanes* from whom the *Romans* took their original. *Livy* writeth that *Procas* King of the *Albanes* appointed *Numitor* to succeed in his estate, but *Amulius* his younger brother did usurp it by force: hereupon *Dionysius Halicarnasseus* saith; that *Amulius* held the Kingdom against right, because it appertained to his Elder brother. Lib. 1. Lib. 1.

Among

Among the *Gracians*, during the space of six hundred Years, wherein they were governed by Kings, we find but *Timondas* and *Pittacus* who were elected, the one of *Corinth*, the other of *Negropont*; the residue held their states by order of succession, as *Thucidides* affirmeth, encountring therein the opinion of *Aristotle*. *Livy* writeth, that *Perseus* King of *Macedon* said, that by the order of Nature, the Law of Nations, and the ancient custom of *Macedony*, the eldest son was to succeed in the Kingdom. *Diodorus Siculus*, and *Justine* do report, that by this custom *Alexander* succeeded his father *Amyntas*, before his yonger brother *Philip*.

Belli macedonici. lib. 10.

Lib. 16. Lib. 7.

Herodotus declareth that the same order was observed among the *Trojans*; affirming, that after the death of *Priamus*, the Kingdom was not to devolve unto *Alexander*, because *Hector* was before him in years. The same also doth appeare by that which *Virgil* writeth.

In Euterpe.

Aeneid. 1. Præterea Scepterum *Ilione*, quod gesserat olim,
Maxima natarum *Priami*.
The Scepter which Ilione, *when she the state did stay,*
The first daughter of Priamus, *with royal hand did sway.*

Out of which place *Servius Maurus* doth collect, that women also did use to govern. But more plainly this custome of the *Troians* doth appear, by that which *Messala Corvinus* writeth, that *Trojus* had two sons, *Ilus* and *Assaracus*; and that *Ilus* by priviledge of his age succeeeded in the Kingdom.

Lib ad octav. August.

The *Persians* also, who for a long time held

held the reins of all the nations near unto them, had the same order of succession, as *Zenophon* witnesseth; which is also confirmed by two famous histories; one between *Artaxerxes* & *Cyrus*, whereof *Plutarch* maketh mention, the other between *Artabazanes* & *Xerxes*, reported by *Herodotus* and *Justin*; wherein *Artabazanes* alledged, that it was a custom among all men, that the eldest son should first succeed. *Agathocles*, & out of him *Athenaus* do write, that the *Persians* had a golden water (for so they term it) whereof it was capital for any man to drink, but only the king and his eldest son. Whither this water were drawn out of the River *Euleus*, which invironeth the Tower *Susis*, and the Temple of *Diana*, whereof *Pliny* writeth, that only the kings of *Persia* did drink; or whether of *Choaspis*, whose waters *Herodotus* doth report to have bin boiled, and carried after the king in silver vessels; or whether both these were one River, I will neither determine nor discourse.

In Cyropæd.

In Artaxerxe

In polyhimnia.

Lib. 2.

Lib. 6. ca. 28.

In *Siria*, which is called *Assiria* (as *Herodotus*, writeth) and also *Phœnicia*, *Palestina*, and *Mesopotamia*, as appeareth by *Pliny*, *Eusebius* and divers other, the same custom is proved by that which *Justine*, and *L. Florus* do write, that *Demetrius*, having bin delivered by his brother *Antiochus*, King of *Siria*, for an hostage to the *Romans*, and hearing of the death of *Antiochus*, declared to the Senate in open assembly, that as by the law of nations he had given place to his elder

Lib. 7.

Lib. 5 ca. 12.

De præparar. evang. lib. 10.

Lib. 34.

Lib. 46.

elder Brother, so by the same law, the right of succession was then cast upon him. The *Parthians*, who being thrice attempted by the *Romans*, in the time of their chiefest both discipline and strength, were able to bear themselves victorious, did always acknowledge for their king, the next of the blood of their first King *Arsaces*. Among the *Germans* also, who were of force to defeat five consulare armies of the *Romans*, *Tacitus* affirmeth that the eldest Son did intirely succeed, only the Horses did fall to the most valiant. And that this was likewise the custom of the *Jews*, it is evident by the whole History of their Kings, especially where it is said, that *Joram* succeeded *Josaphat*; and the reason added, *because he was the eldest*.

Justin. lib. 24. & 41.

De morib. Ger.

2. Chron. ca. 21

I should but burn day (as the saying is) in running further upon particulars. *Herodotus* doth advow it to be a general custom among all men, that the first in birth is next in succession. Certain ages after him S. *Hierome* said, that a Kingdom is due unto the eldest. In late ages our selves may see, that the *Tartars*, *Turks*, *Persians*, and all the *Asiaticks* have no other form of constituting their Kings. No other is followed in all the Countries of *Africk*. In the west *Indies* no other is yet discovered; Insomuch as when *Francis Pizarre*, in the Conquest of *Peru*, had slain *Atibalippa* the King thereof, the people brake into shews, some of joy, all of contentment; because he had made his way to the Kingdom, by murthering of his Elder brother.

In polyhimnia.

In epist. ad Onagrium, & in gen. 49.

In

In *Europe* it is not long since all the Monarchies were successive. When the Empire of *Almain* was made elective, it became in short time so either troublesome or base, that divers Princes refused to accept it: of late it hath been setled in one Family, but hath as yet little increased eitheir in dignity or in power. The people of *Denmark*, *Sweden*, *Hungary*, and *Boeme*, do chalenge to themselves a right of election, but they accept their King by propinquity of bloud. So they did in Polonia, until the line of *Jagello* was worn out, and then they elected for King, *Henry* Duke of *Anion* in France: since which time, they have always in the change of their Kings, exposed their state to open danger of ruine.

Upon this both general and continual custom *Boldus* saith, that Kingdoms are successive by the Law of Nations; affirming further, that always it hath been, and always it shall be, that *the first born succeedeth in a Kingdom*: wherein he is either followed or accompanied with a fair Crie of all the choise interpreters of both Laws; as namely the Glossographer, *Johan. Andreas*, *Hostiensis*, *Collect. Pet. Anchoranus*, *Antonius*, *Imola*, *Card. Florentinus*, *Abb. Panormitanus*, *Oldradus*, *Albericus*, *Angelus*, *Felinus*, *Paul. Castrensis*, *Alexander*, *Barbatius*, *Franc. Curtius*, *Guido Pape*, *Card. Alexander*, *Philip. Francus*, *Jason*, *Philippus Decius*, *Carol. Ruinus*, *Anto. Corsetta*, *Ripa*, *Calderine*, *Alciate*, and many other of somwhat more ordinary name, Who all with full

Cons. 275. vol. 2.
L. Ex hoc jure D. de just. & jure semper fuit, & semper erit &c.
In c. Licet. de voto.
Cons. 94. & 274.
In procem. D. §. Discipuli.
Cons. 287.
In c. prudentiam de offic. de leg.
In l. maximum. C. de lib. præter. & cons. 179. li. 1.
Cons. 25. lib. 5.
Cons. 2.
Con. 67.
Deci. 476. & con. 60.
In c. tit. de his qui feud. da. poss. & in c. Qualite. tit. Si de feu. tu cont. inter do.

full voice do agree, that in Kingdoms and other dignities, which cannot be either valued or divided but they are dismembred, the eldest Son doth entirely succeed. And this many of them do call the Law of all Nations, derived from the order of nature, and from the institution of God; and confirmed by the Canon, civil and other positive Laws.

For the Succession of Children, is one of the primary precepts of nature: whereby his mortality is in some sort repaired, and his continuance perpetuated by his posterity. But among all the Children, nature seemeth to prefer the first born, by imprinting in the mind of parents the greatest love and inclination towards them, as divers of the authors before alleaged do affirm; and as it may appear by that of the prophet *Zacharie, and they shall lament over him as men use to lament in the death of their first born*, and likewise by that which is said of *David*, that he would not grieve his Son *Ammon*, for that he loved him, because *he was his first born*. Hereupon *Lyra*, and before him Saint *Augustin* and Saint *Chrysostom* do affirm that the last plague of the Egyptians, which was the death of their first born, was the most sharp and heavy unto them. For nothing (saith Saint *Augustin*) is more dear than the first born. *Aristotle*, *Plinie*, *Ælian*, and *Tzetzes* do write, that the same affection is also found in certain beasts.

And to this purpose is that which *Herodotus*

In sub de test. lib.6. & in c. grandi. de sup. G, præl.
In l. 1. D. de const. prin. & in l. Nemo. de leg. 1. Con. 225. & 289.
Cons. 25. lib. 1. Tract de pot. & excel. reg. 2. q. 9.
In l. quart. ad l. Falc.
Cons. 9. tit. de feud.
In l. Obvenire D. de verb. sig.
C. jus natural. dist. 1.
Zach. 12. 10.
2. Reg. 13. 21.
In Exod. cap. 11.
In serm. de septem plagis.
In Gen. hom. 51. Ubi s.
De histo. animal. lib. 6. cap. 18.
Lib. 11. cap. 40
De motu animal. lib. 3. & lib. 15. cap. 13.
Histor. chilia. 4 cap. 126.
In Arato.

tus reporteth, that when the Lacedæmonians had received an oracle, that they should take for Kings the two sons of *Aristodemus* and *Aegina*, but give most honor unto the eldest, and they were ignorant which was eldest, because the Mother and the Nurse refused to declare it; they observed which of the children the mother did wash and feed first, and thereby found out that *Eristhenes* was the eldest. *Lucian* citeth the love of the first born, as grown into a proverb. *Gregorie Nazianzene* saith, that all men have a sense thereof. Saint *Ambrose* writeth, that in this respect God called the People of Israel his first born, for that they were, not most ancient, but best beloved. Lastly S. *Chrysostome* affirmeth that the first born were to be esteemed more honorable than the rest.

πρῶτα φιλεῖν τῶν τέκνων in dialogo περὶ παρασίτου. πρωτογόνους ὑπὲρ ἃς ὁ παλάσιν ἐστὶ μέγιστον.

Lib. 2. de Cain & Abel. cap. 2. Exod. 4.

Homil. 5. adversus Judæos

And this natural precedence both in honor and in favor, seemeth to be expresly ratified by God; first where he said unto *Cain*, of his brother *Abel*, *His desires shall be subject unto thee, and thou shalt have dominion over him*: according to which institution, when *Jacob* had bought his brothers right of birth, *Isaac* blessed him in these words, *Be Lord over thy Brethren, and let the sons of thy mother bow before thee*: Secondly, where he forbiddeth the Father to disinherit the first Son of his double portion; because by right of birth it is his due: Thirdly, where he maketh choice of the first born to be sanctified to himself. And whereas God hath often preferred the youngest, as *Abel*, *Isaac*, *Jacob*, *Juda*, *Phares*, *Ephraim*,

Gen. 4. 7.

Gen. 27. 29.

Deut. 21. 17.

Exod. 12. 2 & 22. 29. & 34. 19. Levit. 27. 26. Num. 3. 13.

& 8. 16. & 18. 15. Nehem. 10 36. Ezech. 44 30. Luke 2. 23. Matth. 19. 30. & 20. 16. Marc. 10. 31. Luke 13 10. 1. Cor. 1. circa fi. Lib. 7.

Ephraim, *Moses*, *David*, *Solomon*, and others; it was no other than that which Christ said, that many that were last should be first: and that which Saint *Paul* hath delivered, that God hath chosen the weak, and base, and contemptible things of this world, least any flesh should glory in his sight. So hath *Herodotus* written, how *Artabanus* the Persian, in a complaining manner did confess, that God delighted to depress those things that were high.

In proœm. D. §. Discipuli. Et in L. donationes C. de don. inter vir. & ux.

But if the first born dye before succession fall; or if being possessed of the Kingdom, he dye without issue; his right of birth devolveth unto the next in blood; and if he dyeth in like manner, then unto the third, and so likewise to the rest in order. This is affirmed by *Albericus*, and may be confirmed by

In L. 2. C. de jur. Emphyt. Per. l. Ex facto. Pen. D. ad Treb Conf. 271. lib. 2 In l. Proximus. D. de verb. sig. L. Ex duobus D. de vulg. & pup.

that which *Baldus* saith, that succession hath reference to the time of death, and respecteth the priority which is then extant. And again, *He is not said the first born in Law, who dyeth before the fee openeth, but he who at that time is eldest in life.* And this opinion is embraced by *Alciate*; because as *Celsus* saith; *Primus is dicitur ante quem nemo sit, He is first who hath none before him. Jaco. Aretinus*, *Cinus*, *Albericus* and *Baldus* do form this case: There is a custom, that the first born of the first marriage should succeed in a baronny; a certain baron had three Wives; by the first he had no Children, by the other too many, the first son of the second marriage shall succeed: Because (as the glossographer there

In l. Si quis prioris. §. talem. D. de secund.

saith,

ſaith) the ſecond marriage in regard of the third is accompted firſt. *Baldus* doth extend it further; that if he hath a ſon by the firſt marriage; and he refuſe the barony, the firſt ſon by the ſecond marriage ſhall ſucceed in his right; and ſo he ſaith it was determined in the Kingdom of Apulia, when *Lewes* the Kings eldeſt ſon was profeſſed a friar. And this deciſion is allowed by *Alexander*, *Oldradus*, and *Antonius Corſetta*: and is proved by plain text of the Canon Law, both where the ſecond born is called firſt born, when the firſt born hath given place; and alſo where he is called the only ſon, whoſe brother is dead. But becauſe it is a notorious cuſtom that the neareſt in blood doth ſucceed, altho perhaps removed in degree, I will labor no more to load it with proof: for who will proclaim that the ſun doth ſhine?

Ibid.

In addit. Bar. l. 1. §. Qui habebat. de D. bo. poſſ. cont. tab. & in diſput. Iuſcip. Sigiſmund. Conſ. 92. In tract. de pot. & excel. reg. q. 10. & q. 74. In c. quæritur. §. Item oppoſitur 22. q. 2. Unigenitus. C. nam & ego De vet. ſig.

But if we ſhould now grant unto you (which is a greater courteſie, than with modeſty you can require) that no particular form of Government is natural: what will you conclude thereof? what inference can you hereupon enforce? *That there is no doubt but the People have power to chooſe and to change the faſhion of Government, and to limit the ſame with what conditions they pleaſe.* What Sir? can you find no third? But that either one form of Government is natural, or that the People muſt always retain ſuch liberty of power? Have they no power to relinquiſh their power? Is there no poſſibility that they may looſe it? Whether are you ſo ignorant

to

to think as you speak, or so deceitful to speak otherwise then you think. There is no Authority which the People hath in matters of state, but it may be either bound or streightned by three means.

Lex regia. L. 1. de const. princ. De rep. lib. 1.

The first is by cession or grant; for so the Romans by the Law of royalty yeelded all their Authority in Government to the Prince. Of this Law *Ulpian* maketh mention; and *Bodin* reporteth that it is yet extant in Rome graven in stone. So the People of Cyrene; of Pergame and of Bithynia, did submit themselves to the Empire of the Romans. So the Tartarians commit absolute power both over their lives and their livings to every one of their Emperors: and so have our People many times committed to their King the Authority of the Parliament either generally, or else for some particular case. For it is held as a rule, that any man may relinquish the Authority which he hath to his own benefit and favor. Neither is he again at pleasure to be admitted to that, which once he did think fit to renounce. And as a private man may altogether abandon his free estate, and subject himself to servile condition, so may a multitude pass away both their Authority and their liberty by publick consent.

L. Si Socius & ib. Bar. & Bald. D. de dam. infect. L. Si quis iusiurandum. C. de reb. cred. Inst. de jur. Person.

The second is by prescription and custom, which is of strength in all parts of the world, least matters should always float in uncertainty, and controversies remain immortal. And that this Authority of the People may be excluded by prescription, it is evident by

L. 1. de usucap.

this

this one reason, which may be as one in a third place of Arithmetick, in standing for a hundred. Every thing may be prescribed, wherein prescription is not prohibited: But there is no Law which prohibiteth prescription in this case; and therefore it followeth that it is permitted. And generally, custom doth not only interpret Law, but correcteth it, and supplyeth where there is no Law; in so much as the common Law of England, as well in publick as private controverses, is no other (a few maxims excepted) but the common custom of the Realm. *Baldus* saith, that custom doth lead succession in principalities, which *Martinus* adviseth to fix in memory, because of the often change of Princes: and the particular custom of every Nation is at this day, the most usual and assured Law between the Prince and the People. And this do the Emperors *Honorius* and *Arcadius*, in these words command punctually to be observed: *Mos namque retinendus est fidelissimæ vetustatis*: the custom of faithful Antiquity must be retained: Which place is to this sense ballanced by *Pan. Castrensis*, *Franc. Aretinus*, and *Phil. Corneus*; who termeth it a moral text. The like whereto is found also in the Canon law, and noted by the Glossographer, *Archidiaconus*, *Romanus*, and *Cepola*. Neither were the Fathers of the Nicene Councel of other Opinion, who thus decreed: *Let antient customs stand in strength*:

L. vlt. C. de præsc. long. temp.
L. ficut. c. de præsc. 30. ann.
L. Si de interpretatione. D. de Ll.
L. Omnes populi. De just. & jur. l. Sed & ca. D. de legib.
C. 1. de Feud.
C. 1. de all. Feud.
L. Testamenta. omnia. C. de test.
C. Ridiculum 12. dl.
In c. Quanto de transl. præl.
In c. Dominos 30. dl.
In L. Si vero D. de sol. Mat.

Whereto also agreeth that old Verse of *Ennius*,

In tract. de imper. τὰ ἀρχαῖα ἤθη κρείττω,

Moribus antiquis res stat Romana virisq;;

Customs and men of oldest sort,
The *Roman* State do best support:

De civit. Dei lib. 2. cap. 21. Lib. 3. de repub: τοῖς μὲν νόμοις πολλοῖς χρῶ, τοῖς δ' ἐγχωρίοις σοφωτάτοις. Vive moribus præsentibus, loquere verbis præsentibus. Lib. de clar. rhetor. Lib. 15 c. 1. & lib. 1. cap 10. Quæ præter consuetudinem & morem majorum fiunt, neque placent, neque recta videntur. 4. de civit. 5. Conf. 132. Grandia latrocinia. Lib. 10. 1. de benefic: Orbis terrarum prædo. L. Postliminium D. de cap.

Which is cited by Saint *Austin*; and esteemed by *Cicero* both for brevity and truth, as an Oracle. To the same sense *Periander* of *Corinth* said, that old Laws and new Meats were fittest for use: which saying *Phavorinus* in *Gellius* did in this manner a little vary: *Live after the passed manner, speak after the present.* Hereto also pertaineth that edict of the censors mentioned by *Suetonius*, and *Aul. Gellius*: *Those things which are beside the custom and fashion of our Elders, are neither pleasing, nor to be adjudged right.* Of this point I shall have occasion more particularly hereafter to write.

The third means whereby the People may loose their Authority, is by way of conquest. For howsoever Saint *Augustine*, and after him *Alciate*, do disallow ambition of enlarging Empire; and term Wars upon this cause great Theeveries: Whereupon *Lucane*, and his Uncle *Seneca*, called *Alexander* the Great, a great robber of the World, yet there is no doubt but the sentence of victory, especially if the War was undertaken upon good cause, (as the Conqueror being made his own Arbitrator, will hardly

ly a cknowledge the contrary) is a just title of acquisition; reducing the vanquished, their priviledges, liberties and whole Estate, under the discretion of him that is victorious. *Cæsar* saith; *He giveth all that denieth right*: Which sentence is approved by *Covarrvias*; affirming, that the victor maketh all which his sword toucheth to be his own. So saith *Baldus*, that he doth his pleasure upon the vanquished: and again *Cæsar* in the speech of *Arioviſtus*; *it is the Law of Arms, that the victorious should command those whom they have subdued, even as they please.* *Clemens Alexandrinus* saith, *that the goods of Enemies are taken away by right of war.* *Isocrates* hath written, that the Lacedæmonians did by title of victory in this sort maintain their right. *We hold this Land given by the Posterity of Hercules, confirmed by the Oracle of Delphos, the inhabitants thereof being overcome by War.* Which was not much unlike that which *Jephte* captain of Israel expostulated with the *Ammonites*; *Are not those things thine which Chamos thy God hath possessed?* but *whatsoever the Lord our God hath conquered, pertaineth unto us.* Yea, God doth expresly give to the People of Israel, the Cities which they should subdue; some into full possession, others into servitude and subjection: By which title *Jacob* also had given to *Joseph* his parcage among his brethren, even the Land which he had taken from the Amorites with his sword and with his bow. It was usual to the Romans,

Arma tenenti omnia dat qui jus ita negat. Reg. peccatum p. 2. §. 9.

In rub. C. de Ia. li.

Ut qui vicissent, iis quos vicissent, quemadmodum velint imperarent. Strom. 1.

Archid.

Judic. 11. 23. & 24.

Deut. 20.

Ge. 48 22.

1. Civ.

mans, and as *Appian* saith, just, to retain principal or direct Dominion, in all things which they brought under the sway of their sword. *Brissonius* hath collected certain examples of the form of yielding unto the Romans, whereby all prophane and sacred, all human and divine matters were submitted unto them. §. de form.

Seeing therefore that the people may so many ways loose both their power and their right in affairs of state, is not your ignorance adventurous so generally to affirm, that if no one form of Government be natural, there is no doubt but the people have power both to alter and limit the same, as they please? Can no Law, no custom, no Conquest restrain them? Your pen doth range, and your judgment rage beyond all compass and course of reason. You should have said, that there is no doubt, but if by all or any of these means, the right both of succession and government be setled in one family, according to propinquity and priority of blood, the people may neither take away nor varie the same; and if they do, they commit iniustice, they violate the law of nations, whereby they expose themselvs, not only to the infamie and hate of all men, but to the revenge of those who will attempt upon them. For it is not only lawful but honorable, for any people, either to right or reveng the breach of this Law; against them which contemn it, as monsters; against them who know it not

not, as beasts. Saint *Augustine* saith; *If a City upon earth should decree some great mischief to be done, by the decree of mankind it is to be destroyed.* And as in the state of one country any man may accuse upon a publick crime, so in the state of the world, any people may prosecute a common offence: for as there is a civil band among all the People of one Nation; so is there a natural Knot among all men in the World. Vide civit. Inst. de publ.

You close your conclusion with this conceit, that the word *natural Prince, or natural Successor*, is to be understood of one, who is born within the same Realm, and that it is ridiculous to take it, as though any Prince had natural Interest to succeed. But what construction will you then make of that which *Herodian* delivereth, in the speech of *Commodus* the Son of *Marcus*? *Now hath fortune given me unto you for Prince in his stead, not drawn into the state, such as they were, who were before me; nor as one that glorieth in the purchase of the Empire: for I only am born unto you and brought up in the Court, never swathed in private Cloaths, but so soon as I was born the imperial purpure did receive me, and the Sun beheld me at once, both a Man and a Prince. Consider these things, and honor your Prince by right, who is not given, but born unto you.* *Girard* goeth further in writing of *Charles* the Simple, that he was King before he was born. Say therefore again, that it is ridiculous to take the word natural Prince, Herod. lib. 1. Jure principem colite, non datum, sed natum. Lib. 1. de l'estate de France

for

for one that hath right of ſucceſſion inherent in him by birth; and I will ſay that this mirth will better beſeem a natural indeed, then any man that is wiſe. But let us now conſider the further paſſage of your diſcourſe, both how you are able to fortifie this foundation, and what building it is able to bare.

TO

TO THE SECOND CHAPTER, which is intituled,

Of the particular Form of Monarchies and Kingdoms, and the different Laws whereby they are to be obtained, holden and governed in divers Countries, according as each Common-wealth hath chosen and established.

IN this chapter you spend much speech in praising a monarchie, and preferring it before the Government of manie; which you do to no other end, but to insinuate your self either into credit, or advantage to draw it down; even as *Ioab* presented *Amasa* with a kind Kiss, to win thereby opportunity to stab him. For in the end you fetch about, that because a Prince is subject, as other men, not only to errours in Judgment, but also to passionate affections, in his will; it was necessary, that as the common wealth hath given that great power unto him so it should affigne him helps for managing the same. And that a Prince reciveth his authority from the people, you prove a little before, for that Saint *Peter* termeth Kings *Humane creatures*; which you interpret to be, a thing created by man; because by mans free choise, both this form of government is

2 Sam. 20. Fol. 21.

Pag. 17. 1. Pet. 2.

is erected, and the same also laid upon some particular person.

I know not in what sort to deal with you, concerning this interpretation. Shall I labour to impugne it by arguments? Why, there is no man that wanteth not either judgment or sincerity, but upon both the natural and usual sense of the words, he will presently acknowledg it to be false. Shall I go about either to laugh, or to rail you from your errour, as *Cicero* in the like case perswaded to do? But this would be agreeable neither to the stayednes of our years, nor the gravity of our professions. I am now advised what to do; I will appeal, as *Machates* did before *Philip* of Macedon, from your self asleep, to your self awake; from your self distempered by affection, to your self returned to sobriety of sense. Do you think then in true earnest, that a human creature is a thing created by man, or rather that every man is a humane creature? Is a brutish creature to be taken for a thing created by a beast? *Spiritual*, *Angelical*, or any other adjunct unto creature, what reference hath it to the Author of Creation? And if it were so, then should all creatures be called divine, because they were created by God, to whom only it is proper to create; and in this very point, Saint *Paul* saith, that all authority is the ordinance and institution of God. Neither needeth it to trouble us that Saint *Peter* should so generally injoine us to

Plutarch. in probl.

Rom. 13.

to be obedient to all men, no more than it troubled the Apostles, when Christ commanded them to preach to all creatures (*d*); according to which commission, St. *Paul* did testifie (*e*), that the Gospel had been preached to every creature under Heaven: but St. *Peter* doth specifie his general speech, and restrain his meaning to Kings and Governors; in which sence St. *Ambrose* (*f*) citeth this place, as it followeth: *Be subject to your Lords, whether it be to the King, as to the most excellent*, &c.

(*d*) Marc. 16.

(*e*) Col. 1. 23.

(*f*) Ad Auxentium.

This interpretation not onely not relieving you, but discovering very plainly either the weakness or corruption of your judgment, it resteth upon your bare word; that Kings have received their first Authority from the people; which although I could deny, with as great both countenance and facility as you affirm, yet will I further charge upon you with strength of proof.

Presently after the inundation of the world, we find no mention of politick Government, but onely of oeconomical, according as men were sorted in families; for so *Moses* hath written (*g*), that of the progeny of *Japheth*, the Isles of the Gentiles were divided after their families. The first who established Government over many families, was *Nimrod* the Son of *Cush*, accounted by St. *Chrysostome* (*h*) the first King; which Authority he did not obtain by favour and election of any people, but by plain purchase of his power. Hereupon *Moses* calleth him a mighty Hunter (*i*),

(*g*) Gen. 10. 5.

(*h*) Hom. in Gen.

(*i*) Gen. 10. 9.

which is a form of speech among the Hebrews, whereby they signifie a spoiler or oppresser. And this doth also appear by the etymology of his name; for *Nimrod* signifieth a Rebel, a Transgressour, and as some interpret it, a terrible Lord: And names were not imposed in ancient times by chance or at adventure, as *Plato* (*k*), one of Natures chief Secretaries, and among the Latin Writers *Aul. Gellius* (*l*) do affirm.

(*k*) In Cratylo.
(*l*) Noct. Attic. 9. cap. 4.

Many hold opinion, that this *Nimrod* was the same, whom the Grecians call *Ninus*: which seemeth to be confirmed by that which *Moses* saith (*m*), that he did build the City of *Ninive*. Of this *Ninus*, *Justine* writeth (*n*); that he was the first who held that which he did subdue; others, satisfied with Victory, aspired not to bear Rule. *Nimrod* founded the Empire of the *Assyrians*, which continued by Succession in his posterity, until it was violently drawn from *Sardanapalus* to the Medes. From them also *Cyrus* by subversion of *Astyages* did transport it to the Persians; and from them again the Grecians did wrest it by Conquest. After the death of *Alexander*, his Captains, without any consent of the people, made partition of the Empire among them; whose successors were afterwards subdued by the Armies and Arms of *Rome*. And this Empire, being the greatest that ever the Earth did bear, was in the end also violently distracted, by divers several either Conquests or Revolts. *Leo Afer* writeth, that it is not a hundred years, since the people of *Gaoga* in *Africk* had

(*m*) Gen. 10
(*n*) Ninus primus dicitur bello parta retinuisse, cum priores contenti victoria, imperio abstinuerint. Just. 1.

had neither King nor Lord, until one observed the greatness and Majesty of the King of *Tombute*, did enterprize to attain Soveraignty above them, which by violence he effected, and left the same to his posterity. And because I will not be tedious in running through particulars, give you an instance of any one people, which hath not divers times received both Prince and Government by absolute constraint, *Et Phillida solus habeto*; and I will yield to all that you affirm. But failing herein, you shall be enforced to confess, that in many, yea, in most, if not in all Countries, the people have received liberty, either from the grant or permission of the victorious Prince, and not the Prince authority from the vanquished people.

What helps now do you imagine, that the people have assigned to their Prince?

The first, you affirm to be the direction of Laws. But it is evident, that in the first heroical Ages, the people were not governed by any positive Law, but their Kings did both Judge and Command, by their word, by their will, by their absolute power; and, as *Pomponius* saith *, *Omnia manu a regibus gubernabantur*: Kings governed all things, without either restraint or direction, but onely of the Law of Nature.

* L. 2. de Orig. jur.

The first Law was promulged by *Moses*; but this was so long before the Laws of other Nations, that *Josephus* writeth *, It was more ancient than their Gods: Affirming also, that the word *Law* is not found in *Homer*, or in

* Contra Appionem

Orpheus, or in any Writer of like antiquity. Of this Law of Nature *Homer* maketh mention in these words:

ὅστε θέμιστας πρὸς ἀνὸς κεκρύαται.

And they who keep the Laws which God hath prescribed.

And again,

Ἀρρήτωρ, ἀθέμιστος, ἀνέστιος ὅστιν ἐκεῖνος
ὃς πολέμου ἐρατεῖ: ἐνδημίου ἐκρυόεντος.

Uncivil and unjust is he, and wanting private state,
Who holdeth not all civil War in horror and in hate.

And of the Justice of Kings he writeth in this manner:

Λαῶν δ' οἶσιν ἄνασσε πατὴρ δ' ὡς ὄπνος ὄν,
Οὐτέ τινα ῥέξας ἐξαίσιον, οὔτε τι εἰπὼν
Ἐν δήμῳ, ἥτ' ἐστὶ δίκη θείων βασιλήων.

on.

(q) lib. 2. de regno. In which verses *Chrysostom* affirmeth (q) by the judgment of *Alexander*, that *Homer* hath delineated the perfect Image of a King: but that he maketh mention of any positive Laws, I do rather doubt, than assuredly deny. For Kings in ancient times did give judgment in person, not out of any formality in Law, but onely according to natural equity. *Virgil* saith (r):

(r) Æneid. 7.

Hoc Priami *gestamen erat cum jura vocatis*
Moreda et populis.

This

This was the Robe which Priamus
did always use to wear,
When he the People to him call'd,
their causes for to hear.

Which he doth also affirm of *Æneas* (*s*), *Dido* (*t*) and of *Alcestes* (*u*). This like doth *Herodotus* report * of *Midas* King of *Phrygia*, who consecrated his Tribunal to *Apollo*: and the like also doth *Plutarch* (*x*) of divers Kings of *Macedonia*: *Philarchus* affirmeth in *Athenæus*, that the Kings of *Persia* had Palm-trees and Vines of Gold, under which they did sit to hear Causes.

(*s*) Æneid. 3.
(*t*) Æneid. 1.
(*u*) Æneid. 5.
* Lib. 1.
(*x*) In Apophth.

But because it grew both troublesome and tedious, for all the People to receive their Right from one man (*y*); Laws were invented, as *Cicero* saith, and Officers also appointed to execute the same.

(*y*) At cum jus æquabile ab uno viro hominibus non consequerentur, inventæ sunt leges, Offic. 2.

Another Original of Laws was thus occasioned: When any People were subdued by Arms, Laws were laid like Logs upon their necks, to keep them in more sure subjection; which, both because it is not doubtful, and to avoid prolixity, I will manifest onely by our own example.

When the *Romans* had reduced the best part of this Island into the form of a Province, as they permitted liberty of Law to no other Country under their obedience, so here also they planted the practice of their Laws: and for this purpose they sent over many Professors, and among others *Papinian*, the most famous

mous both for Knowledge and Integrity, of all the Authors of the Civil Law. Again, when the *Saxons* had forced this Realm, and parted it into seven Kingdoms, they erected so many sets of Law; of which onely two were of continuance, the *Mercian* Law, and the *West-Saxon* Law. After these, the *Danes* became victorious; and by these new Lords new Laws were also imposed, which bare the name of *Dane-law*. Out of these three Laws, partly moderated, partly supplied, King *Edward* the Confessor composed that body of Law, which afterwards was called St. *Edward*'s Laws. Lastly, the *Normans* brought the Land under their power, by whom St. *Edward*'s Laws were abrogated, and not onely new Laws, but new Language brought into use; insomuch as all Pleas were formed in French, and in the same Tongue Children were taught the principles of Grammar. These causes we find of the beginning of Laws; but that they were assigned by the people for assistance and direction to their Kings, you bring neither Argument nor Authority for proof; it is a part of the dross of your own device.

The second help, which you affirm that Commonwealths have assigned to their Kings, is by Parliaments and Privy-Councils. But Parliaments in all places have been erected by Kings; as the Parliament of *Paris* and of *Montpelier* in *France*, by *Philip* the Fair; the Parliament in *England* by *Henry* the First; who in the sixteenth year of his Reign (z) called a Councel of all the States of his Realm

(z) Anno 1116.

at

at *Salisbury*, which our Historiographers do take for the first Parliament in *England*; affirming that the Kings, before that time, did never call the common People to Councel. After this the Privy-Council, at the instance of the Archbishop of *Canterbury*, was also established; and since that time, the Counsellors of State have always been placed by election of the Prince. And that it was so likewise in ancient times, it appeareth by that which *Homer* writeth:

Βουλὴν δὲ πρῶτον μεγαθύμων ἷζε γερόντων.

First he established a Council of honorable old men.

And likewise by *Virgil*:

—gaudet regno Trojanus Acestes,
Indicitque forum, & patribus dat jura vocatis.

Acestes *of the* Trojan *Bloud, in Kingdom doth delight;*
He sets a Court, and Councel calls, and gives each man his Right.

I will pass over your coarse, foggy, drowsie Conceit, that there are few or none simple Monarchies in the world, (for it would tire a Dog to toyl after your impertinent errours) and will now rip up your Packet of Examples, whereby you endeavour to shew, that the Power of Kings hath been bridled by their Subjects. But what do you infer hereby? what can you inforce? will you rake over all Histories for examples of Rebellion, and then

argue, *a facto ad jus*; that every thing is lawful which you find to have been done? *Justinian* saith, *Non exemplis, sed legibus judicandum* *: We must judge Facts by Law, and not Law by Facts, or by Examples; which *Alciate* (a) and *Decian* (b) do term a Golden Law, because there is no Action either so impious or absurd, which may not be paralleled by Examples. Will you prove it lawful to use carnal familiarity with the Sister, with the Mother-in-law, with the natural Mother? You have the example of *Cambyses* for the first, *Caracalla* for the second, *Dionysius* and *Nero* for the third. The *Jews*, upon whom God had setled his Choise, did at times (beside many other Enormities) erect Male-stews (c). Of the two Nations, whose Examples you use, the *Romans* and the *Lacedemonians*, the first did the like under divers Emperours, as *Lampridius* writeth; and in more ancient times allowed also Parricide of Children (d): the other would sort themselves by fifteen and twenty Families together, and hold both Wives and Goods in common. I omit the unnatural customs of divers other Nations, and will now declare, how in straining a few Examples to countenance your Conceit, you are constrained to bear your self no less cunning in concealing truths, than bold in avouching things which are not onely uncertain, but plainly false.

* l. 12. C. de crim. & in. reloc. om. ind.

(a) 5 Conf. 22 & 6. 50.

(b) 3. 100.

(c) 3. Reg. 14, & 15.

(d) Gell. l. 5 c. 19.

It is true which you write, that the Kings of *Sparta*, by the institution of *Lycurgus*, were obedient to the Officers called *Ephori*; but these

these were Titular Kings, having no other power but a single voice among the Senators: and because all Affairs were carried by consent of the People, the Estate was then esteemed popular. Afterwards *Theopompus*, by pretence of an Oracle, drew this Authority from the People, to a Senate of thirty; whereby the Government did change into an *Aristocracy*; and yet the naked name of Kings was retained. By this shuffling-off Rule, the *Lacedemonians* were continually tossed with Tempests of Sedition, ceasing not to wade in their own Bloud (as before you have acknowledged) until in the end they were brought into subjection; first, by the *Macedonians*; afterward, by the *Achæans*; and lastly, by the *Romans*. I will not say now, what reason have we? but what a shame is it for us to open our ears to these Utopical State-writers? who being mellowed in Idleness, and having neither Knowledge nor Interest in matters of Government, make new Models upon disproportioned joynts, borrowed from Nations most different in Rule.

You affirm by the testimony of *Livy*, that for offence taken against *Romulus*, because he raigned at Pleasure, and not by Law, the Senators did cut him in pieces; in which short Assertion many base untruths are included, beneath the degree of any vile word. *Livy* writeth, that he sorted the People into order, and governed them by Laws (*t*), and that he was also both advised and valiant in the Field; even such a one as *Homer* describeth:

(*t*) Jura dedit.

Au-

'Αμείνων βασιλεὺς τ' ἀγαθὸς κρείσσων θ' ὁ ἀγαθός.

Both a good King, and courageous Commander.

Concerning his end, *Livy* writeth, that in taking muster of his Army, a thick Tempest did arise, after which he was never seen; wherein he is seconded by *Solinus*, *Eutropius*, and the rest: onely *Livy* addeth, that there was a rumor, but very obscure, without any certain either Author or ground; I will adde also, without probability, that he was torn in pieces: for how probable is it, that such a Fact, in the open view of his Army, could be very obscure? How probable is it also, that the People would first tear him in pieces for his Injustice, and then worship him for a God? Further, with what either confidence or conceit do you alledge this Report of *Livy*, for his opinion? I find your fetch; you apprehend every thing which may, if not confirm, yet countenance that Doctrine which lately you have drawn out of *Cerberus* Den, That it is lawful to contrive the death of Kings.

That the People were grieved against *Servius Tullius* for reigning without Election, it is a meer Fantasie, a Dream, a Device. *Livy* saith (f), that he was declared King with such a Consent as no man had been before him.

(f) Tanto consensu quanto haud quisquam alius ante Rex est declaratus.

That *Tarquinius* neglected the Laws of Government prescribed to him by the Commonwealth, it is an ugly untruth. *Livy* saith, that he brake the ancient manner of Kings before him.

him: But for Laws, *Pomponius* affirmeth (*g*), that at that time the *Romans* had no Laws but from their Kings, and that *Sextus Papirius* reduced them into one Volume, which was called the Civil Law of *Papirius* (*b*); and that when the People expelled their Kings, they abrogated their Laws also, and remained twenty years without any Law.

(*g*) In l. 2. D. de orig. jur.

(*b*) Jus civile Papirianum.

Lastly, you adde, that the *Romans* did expel their Kings, and erect Consuls in their stead; but you suppress that which followed, which I hold for a common consequence of the like disorder: First, that for this cause they were presently almost overwhelmed with Wars: Secondly, that in this state they never enjoyed long time free from Sedition: Lastly, that as *Tacitus* saith (*i*), there was no means to appease these Tumults, but by returning to a Monarchy again. All this I write, rather to manifest the manner of your dealing, than that I hold it much regardable what *Romans* did.

(*i*) Nullum esse discordantis patriæ remedium, quam ut ab uno regeretur. Annal. 1.

Your Examples of our present Age I will wrap up in these few words: All Nations, very few excepted, do consent in this form of Government; first, to be under one Prince; secondly, to accept him by succession, according to propinquity of Bloud: In other circumstances, either for inaugurating their Prince, or for the manner of managing and executing his Government, not two Nations in the world in all points do agree. And yet is not this diversity raised by any Laws which the People do prescribe unto their Prince, as

you

you do most grosly, yea peevishly, yea maliciously affirm; but by the particular Laws and Customs of every Nation, in which the consent of the Prince, either secret or expres, sometimes onely is sufficient, always principally doth concur.

Upon this diversity of Customs you conclude, that it sufficeth not to alleadge bare propinquity of Bloud. What, not where that Custom is established, as I have declared it to be in most Nations of the World? Doth difference of Customs make all Custom void? Doth diversity of Custom in some circumstances take away the principal Custom of Succession by Bloud? This cleaveth together no surer than Sand; you lose both labour and credit in obtruding unto us these weak and loose Arguments, without either force of Reason, or form of Art.

Your instance of the Law Salick in *France*, doth offer occasion to enter into a large Field, wherein I could plainly prove, that there was never any such Law made to bind the descent of the Crown of *France*; and that it hath been the custom in most parts of the world, not to exclude Women from succession in State: insomuch as *Beda* (*k*) and before him *Eusebius*(*l*) and *Pliny* (*m*) do write, that certain People were governed onely by Princes of that Sex. But because this is a matter both of long discourse, and not proper to our purpose, I will contain my self within this Observation, That the Exclusion of King *Edward* the Third from the Crown of *France*, upon this pretence,

(*k*) In Act. cap. 8.
(*l*) Lib 2. cap. 1.
(*m*) Lib. 6. c. 29, & 30.

was

was the cause of the effusion of their bravest Bloud, and of the spoil, waste, and conquest of all that Realm. I acknowledge that the *English* have lost the possession of that Conquest; and that was by means of domestical Wars, for excluding the neerest in Bloud from the Crown: into which unquiet Quarrel you do now endeavour again to embark us. Yet no man can assure that the miseries of *France* for this cause are at an end. Rams recoil to strike harder; we are gone rather back than away: I will not presage, but any man may conjecture, that our minds and our means will not always want the favour of time.

After all this, you proceed a degree further, that it is lawful, upon just considerations, not onely to put back the next Inheritor of the Crown, but also to remove him who is in full possession thereof. And that is plain (you say) not onely by the grounds before by you alleadged, but also by example of the *Romans* and *Grecians*; and because God hath commonly concurred in such judicial actions of the State, not onely in prospering them, but in giving them also some notable Successour. And yet you protest you are far from their opinion, who upon every mislike are ready to band against their Prince; and that you esteem the tenure of a Crown, if once it be setled, the most irregular, whereto every man is bound to settle his Conscience, without examination of Title or Interest; but onely by the supreme Law of Gods disposition, who can dispence in what he listeth; and that notwithstanding

you

you are as far from the abject flattery of *Billaie* and others; who affirm, that Princes are subject to no Law or limitation at all, and that they succeeded by nature and birth onely, and not by admission of the people; and that there is no authority under God to chasten them. These you call absurd Paradoxes; and herewith you settle your self to shew in the next Chapter, what good success hath ensued the deposition of Princes.

Concerning your protestation, we may say unto you as *Isaac* said to his son *Jacob* (*n*), *The voice is Jacobs voice, but the hands are the hands of* Esau: You speak fair, and therewith also well, but the main drift of your discourse, is nothing else but a tempestuous Doctrine of Rebellion and Disorder; you being therein like the Boatman, who looketh one way and pulleth another; or rather like the Image of *Janus*, which looked two contrary ways at once. It is a Rule in Law; That a Protestation contrary to a mans Act, will not serve to relieve him (*o*) only this shall serve to convince you, either of false or of forgetful dealing, when we come to that place where in flat words you maintain the contrary.

(*n*) Gen. 27. 22.

(*o*) Protestatio actui contraria non relevat.

Concerning the quarrel which you lay against *Billaie*; as I have not seen what he hath written, so will I not interpose between him and you. I never heard of Christian Prince who challenged Infinite Authority without limitation of any Law, either Natural or Divine. But where you term it an absurd paradox, that the people should not have power to chasten

chasten their Prince, and upon just considerations to remove him; I am content to joyn with you upon the issue.

And first I note the manner of your dealing, in that you have omitted to express what these just considerations may be. For seeing there hath been no King, who is not noted of some defects; and again, no Tyrant, who hath not many commendable parts (as *Plutarch* writeth (p) that *Dionysius* excelled most Princes in divers points of Justice and Vertue) it is a matter of dangerous consequence, to leave these considerations undetermined and at large. But who seeth not, that you do it out of policy, that you may upon every particular occasion, declare such causes to be sufficient as you please?

(p) In Dionys.

How then do you prove, that upon any cause, the people have power to dispossess their Prince? This is plain (you say) not onely by the grounds before by you alleadged, but also by example of the *Romans* and *Graecians*. The grounds by you alleadged, are two: One in your first Chapter, that because no one form of Government is natural, the people have power both to choose, and to change, and to limit it as they please. The other ground is in this Chapter; that because there are divers Laws and Customs in matters of principality, it sufficeth not to alleage bare proinquity of bloud.

Why? but had you no Text of Scripture? no Father of the Church to alledge? no Law? no Reason? no better Example? no surer Ground?

Ground? It is more than this which you bring against your self, in citing out of St. *Peter* (*p*); *The Lord knoweth to reserve the unjust unto the day of Judgment; and especially them that despise Government, and speak evil of those that are in Dignity.* And out of St. *Jude* (*r*): *Likewise these dreamers despise Government, and speak evil of them that are in Authority.* Besides also, you have alledged out of St. *Paul* (*s*): *Let every soul be subject unto the higher powers; for there is no power but of God: Whosoever therefore resisteth the power, resisteth the ordinance of God; and they that resist shall receive to themselves judgment.* And likewise out of St. *Peter* (*t*): *Submit your selves to every humane creature, whether it be to the King, or unto Governours; for so is the will of God.* To which places we may likewise add that, which St. *Paul* did write unto *Titus* (*u*): *Put them in remembrance that they be obedient to the principalities and powers.* And writing to *Timothy* *, he exhorteth us also to pray for them, that we may lead under them a peaceable life.

(*q*) 2. c. 10. (*r*) vers. 8. (*s*) Rom. 13. (*t*) c. 2. v. 13. (*u*) Tit. 3. 1. * 1 Tim. 2. 1.

But perhaps you will say, that the Apostle did not mean this of wicked Princes. Tush, the Apostles spake generally of all: Saint *Peter* (*x*) maketh express mention of evil Lords. And what Princes have ever been more either irreligious or tyrannical, than *Caligula*, *Tiberius*, *Nero*, the infamy of their Ages, under whose Empire the Apostles did both live and write?

(*x*) 1 Pet. 2. 18.

Bellarmine the great master of Controversies,

sies, perceiving this to be unanswerably true, did in another sort rather cut than unty the knot: affirming, (y) that at that time it was necessary to admonish the Christians to perform obedience to their Kings, lest the preaching of the Gospel might otherwise be hindred: which is as if in direct terms he should have said, Sir Kings, whilst our heads were under your girdle, we were content to curry favour, by preaching obedience unto the people: But now we have got the wind of you, we must plainly tell you, that you hold your Crowns at their courtesie and favour; and have no power in effect, but as Lieutenant-Generals. I know you will make a sour face at this; it will go very much against your stomachs; but there is no remedy, you must take it down; they are your good Lords; they may dispossess you.

(y) In tract. de exempt. Clericorum.

Prophane *Bellarmine!* is Christian Religion a mere policy? doth it apply it self onely to the present? doth it turn always with the time? May the principal professors thereof say, as an infidel Moor did, when he violated the Faith which he had given unto Christians? *We have no bone in our tongues that we cannot turn them which way we please.* We see plainly that you say so: and it as is plain, that it was far from the true meaning of the Apostles. St. *Jude* (z) writeth sharply against those, who had mens persons in admiration *because of advantage.* St. *Paul* also saith *: *Go I about to please men? If I should please men, I were not then the servant of Christ.*

(z) ver. 16.

*Gal. 1. 10.

I will give you an example of another time. *Nebuchadnezzer* King of *Assyria*, wasted all *Palestina*; took *Hierusalem*, slew the King, burnt the Temple, took away the holy Vessels and Treasure: the residue he permitted to the cruelty and spoyl of his unmerciful Souldiers; who defiled all places with rape, ruine, and blood. After the glut of this butchery, the people which remained, he led captive into *Chaldea*, and there commanded, that whosoever refused to worship his golden Image, should be cast into a fiery furnace.

What cruelty, what impiety is comparable to this? and yet the Prophets *Jeremiah* (a) and *Baruch* (b) did write to those captive Jews, to pray for the prosperity and life of him, and of *Baltazar* his Son, that their days might be upon Earth as the days of Heaven: and *Ezekiel* (c) both blameth and threatneth *Zedechia*, for his disloyalty in revolting from *Nebuchadnezzar*, whose homager and tributary he was. What answer will you make to this example? I am wisely busied to cast forth this question; what answer can you make, which your own knowledge will not convince?

(a) c. 29. 7.
(b) c. 1. 11.
(c) c. 17.

Many other places there are in holy Scripture, whereby not onely our actions are tied to obedience: *He that doth presumptuously against the Ruler of the people shall die* (d): but also our words, *Thou shalt not speak evil against the Ruler of the people* (e); yea, our secret thoughts: *Detract not from the King, no not in thy thought; for the fowls of the air shall carry*

(d) Deut. 17. 12.
(e) Exod. 22. 28. Act. 23. 5.

carry thy voice (f). The reason hereof is not obscure: Because Princes are the immediate Ministers of God (g); and therefore he called *Nebuchadnezzar*, his servant (h); and promised him also hire and wages for the service which he did (i). And the Prophet *Esay* (k) calleth *Cyrus*, a prophane and heathen King, *the Lords Anointed*. For, as *Solomon* saith, (l) *The Hearts of Kings are in the hands of the Lord:* and he stirreth up the spirit, even of wicked Princes, to do his will (m): and (as *Jehoshaphat* said to his Rulers (n) they execute not the will of man, but of the Lord.

(f) Eccles. 10. 20.
(g) Rom. 13.
(h) Jer. 25. 9.
(i) Ezech. 29. 18.
(k) c. 25.
(l) Prov. 21. 1.
(m) 2 Chro. 36. 22.
(n) 2 Chro. 19. 8.

In regard hereof *David* calleth them Gods (o): whereof *Plato* also had some sense, when he said (p), *A King is instead of God*. And if they do abuse their Power, they are not to be judged by their Subjects, as being both inferiour and naked of Authority, because all Jurisdiction within their Realm is derived from them, which their presence onely doth silence and suspend: but God reserveth them to the surest tryal: *Horribly and suddainly* (saith the wise man (q) *will the Lord appear unto them, and a hard judgment shall they have.*

(o) Psal. 82.
(p) ὁ βασιλεὺς ἀντὶ θεοῦ ἐστὶ ἐν ἀνθρώποις. In polit.
(q) Sap. 6.

You Jesuits do yield a blindfold obedience to your Superiours, not once examining either what he is, or what he doth Command: and although the Pope should swerve from Justice, yet by the Canons (r), men are bound to perform obedience unto him, and God only may judge his doings: and may a King, the Lords Lieutenant, the Lords Anointed, in the view of his Subjects, nay, by the hands of his Sub-

(r) Extrav. Unam sanctam. de major. & obed.

jects, be cast out of State? May he, as was *Actæon*, be chased and worried by his own hounds? Will you make him of worse condition, than the Lord of a Mannor? than a Parish-Priest? than a poor Schoolmaster, who cannot be removed by those that are under their authority and charge?

The Law of God commandeth that the child should die, for any contumely done unto the Parents. But what if the Father be a Robber? if a Murtherer? if for all excess of villanies odious and execrable both to God and Man? Surely he deserveth the highest degree of punishment; and yet must not the Son lift up his hand against him: For, as *Quintilian* saith (*f*), No offence is so great, as to be punished by parricide. But our Country is dearer to us than our selves (*t*): and the Prince is the Father of our Country (*u*); whose Authority, as *Baldus* noteth *, is greater than of Parents: and therefore he must not be violated, how impious, how imperious soever he be.

(*f*) In declam.

(*t*) Cic. offic. lib 1.

(*u*) Pater patriæ.

* In l. fenium. C. qui test. fa. poss.

If he commandeth those things that are lawful, we must manifest our obedience by ready performing. If he enjoyn us those actions that are evil, we must shew our subjection by patient enduring. It is God only who seateth Kings in their State; it is he only who may remove them. *The Lord will set a wise King over the people which he loveth*, as himself doth testifie (*x*). And again, *For the sins of the land the Kings are changed* (*y*). And therefore we endure with patience unseason-

(*x*) 2 Chro. 1.

(*y*) Prov. 28. 2. 2 Chron. 28. 6.

ble weather, unfruitful years, and other like punishments of God; so must we tolerate the imperfections of Princes, and quietly expect either reformation, or else a change.

This was the Doctrine of the ancient Christians, even against their most mortal persecutors. *Tertullian* saith (z), *For what war are we not both serviceable and ready, although unequal in number, who do so willingly endure to be slain? neither want we strength of number: but God forbid, that Religion should be maintained with humane fire.* From him also St. *Cyprian*, a most studious reader of *Tertullian*, as St. *Hierom* * noteth, in like manner writeth (a): *Although our people be exceeding copious, yet it doth not revenge it self against violence it suffereth.* St. *Augustin* saith (b) *It is a general paction of humane society to obey Kings.* Which sentence is assumed into the body of the Canon-Law (c). In a word, the current of the ancient Fathers is in this point concurrent; insomuch as among them all there is not one found, not any one: one is a small number; and yet I say confidently again, there is not any one, who hath let fall so loose a speech, as may be strained to a contrary sense. How then are you of late become, both so active and resolute to cut in sunder the reins of Obedience, the very sinews of Government and Order? Whence had *Benedetto Palmio*, a Jesuit, his Warrant, to incite *William Parry* to undertake the paricide of our Queen? whence did *Annibal Codretto*, another Jesuit, assure him, that the true Church made no question, but that the

(z) Apolog. 37.

* De sacr. ec. Tert.

(a) Ad Demet.

(b) Pactum societatis humanæ generale regibus obedire. Confes. lib. 2.

(c) Dist. 8. c. Quæ contra.

fact was lawful? Whence did *Guignard* a Jesuit term the Butchery of *Henry* late King of *France*, an *heroical act, and a gift of the Holy Ghost?* Whence did he write of the King, who now there reigneth, *If without Arms he cannot be deposed, let men take Arms against him; if by War it cannot be accomplished, let him be murthered?* Whence did *Ambrose Verade*, Rector of the Colledge of the Jesuits in *Paris*, animate *Barriers* (as he confessed) to sheath his Knife in the Kings breast; assuring him by the living God, that he could not execute any act more meritorious? Whence did the Commenter upon the Epitome of Confessions, otherwise the seventh book of Decretals, commend all the Jesuits in these terms (*d*): *They set upon Tyrants, they pull the Cockle out of the Lords field?*

(*d*) Tyrannos aggrediuntur, Jolium ab agro dominico evellunt.

It is a Rule in Nature, that one contrary is manifested by the other. Let us compare then your boisterous Doctrine with that of the Apostles and ancient Fathers of the Church, and we shall find that the one is like the rough Spirit which hurled the herd of Swine headlong into the Sea (*e*); the other like the still and soft Spirit which talked with *Elias* (*f*).

(*e*) Mat. 8.
(*f*) 1 Reg. 19.

Neither was the Devil ever able, until in late declining times, to possess the hearts of Christians with these cursed Opinions, which do evermore beget a world of Murders, Rapes, Ruines, and Desolations. For tell me, what if the Prince, whom you perswade the People they have power to depose, be able to make and maintain his Party, as King *John* and King

King *Henry* the Third did against their Barons? What if other Princes, whom it doth concern, as well in honour, to see the Law of Nations observed, as also in policy, to break those proceedings which may form Presidents against themselves, do adjoyn to the side? What if whilst the Prince and the People are (as was the Frog and the Mouse) in the heat of their Encounter, some other Potentate play the Kite with them both, as the *Turk* did with the *Hungarians*? Is it not then a fine piece of policy which you do plot? or is it not a gross errour to raise these dangers, and to leave the defence to possibilities doubtful?

Go to, Sirs, go to, there is no Christian Country which hath not by your devices been wrapped in Wars. You have set the Empire on float with Bloud; your Fires in *France* are not yet extinguished; in *Polonia* and all those large Countries, extending from the North to the East, you have caused of late more Battels to be fought, than had been in five hundred years before. Your practices have heretofore prevailed against us: of late years you have busied your selves in no one thing more, than how to set other Christian Princes on our necks; stirring up such store of Enemies against us, as, like the Grashoppers of *Egypt* (*g*) might fill our houses, and cover our whole land, and make more doubt of room than of resistance. Our own people also you have provoked to unnatural attempts: you have exposed our Country as a Prey to them that will either invade or betray it; supposing be-

(*g*) Exod. 10.

like that you play Christ's part well, when you may say as Christ did, (b) *Think not that I came to send peace: I came not to send peace, but a sword.* But when by the power and providence of God, all these attempts have rather shewn what good hearts you bear towards us, than done us any great harm; when in all these practices you have missed the mark, now you do take another aim: Now having no hope by extremity of Arms, you endeavour to execute your malice, by giving dangerous advice: Now you go about to entangle us with Titles, which is the greatest misery that can fall upon a State.

(b) Mat. 10. 34.

You pretend fair shews of Liberty and of Power, *Sed timeo Danaos & dona ferentes: We cannot but suspect the Courtesies of our Enemies:* The Power which you give us, will pull us down; the Liberty whereof you speak, will fetter us in Bondage. When *Themistocles* came to the *Persian* Court, *Artabanus* Captain of the Guard, knowing that he would use no Ceremony to their King, kept him out of presence, and said unto him, *You* Grecians *esteem us barbarous for honouring our Kings, but we* Persians *esteem it the greatest honour to us that can be.* The like Answer will we frame unto you; *You Jesuits account it a bondage to be obedient unto Kings, but we Christians account it the greatest means for our continuance both free and safe.*

An

An Answer to the third Chapter, which is intituled,

Of the great Reverence and respect due to Kings, and yet how divers of them have been lawfully chastised by their Commonwealths for their misgovernment; and of the good and prosperous success that God commonly hath given to the same, and much more to the putting back of an unworthy Pretender.

THat Princes may be chastised by their Subjects, your proofs are two: One is drawn from certain Examples; the other from the good success and Successors which usually have followed. Surely it cannot be but that you stand in a strong conceit either of the authority of your Word, or simplicity of our Judgment; otherwise you could not be perswaded by these slender Threads to draw any man to your Opinion. Of the force of Examples I have spoken before; there is no Villany so vile which wanteth example: and yet most of the Examples which you do bring, are either false, or else impertinent.

For there have been divers States, wherein one hath born the name and title of King, without power of Majesty. As the *Romans* in the time of their Consular Estate had always

ways a Priest, whom they entitled King, whose office consisted in certain Ceremonies and Sacrifices, which in former times could not be performed but by their Kings. Likewise the *Lacedemonians*, after *Lycurgus* had formed their Government, retained two Kings, who had no greater stroke in matters of State, than a single Voice as other Senators. Such were in *Cæsars* time many petty Kings of *Gaul*, who (as *Ambiorix* King of *Leige* confessed) were subject to their Nobility, and questionable by them. Such are now the Emperours of *Almain*, because the Puissance and Majesty of the Empire pertaineth to the States, who are sworn to the Empire it self, and not to the person of the Emperour. Such are also the Dukes of *Venice*, the Soveraignty of which State is setled in the Gentlemen. In these and such-like Governments, the Prince is not Soverain, but subject to that part of the Commonwealth which retaineth the Royalty and Majesty of State, whether it be the Nobility or Common People: and therefore your Examples drawn from them, is nothing to our purpose.

Concerning success, it cannot be strange unto you, that by the secret, yet just Judgement of God, divers evil actions are carried with appearance of good success. The Prophet *David* said, (*a*) that his treadings had almost slipt, by seeing the wicked to flourish in prosperity: The Prophet *Jeremiah* (*b*) seemed also to stagger upon this point; and it hath always been a dangerous stone in the way

(*a*) Psal. 73.

(*b*) Ca. 12. 1.

way of the Godly, whereat many have stumbled, and some fallen.

Besides, it ordinarily happeneth that good Princes succeed Tyrants; partly because they are so indeed, as being instructed to a better manage of Government, both by the miserable life of their Predecessors, and by the ugly infamy which remaineth after their death: partly because by means of the Comparison they both seem and are reported to be far better than they are. Hereupon *Lampridius* saith of *Alexander Severus*, (c) *I may also say, that* Alexander *was a good Prince by stir for that* Heliogabalus *his Predecessor was both an evil Prince, and also massacred and slain.* Seeing therefore the reason is so manifest, wherefore good Princes should succeed Tyrants, is it not rashness? is it not impudence? is it not impiety for us to wade with unclean feet into God's secret Counsels, unknown to the Angels, and to justifie upon this event the Parricide of any Prince? For my part, I know not whether you shew your self more presumptuous in entering into this observation, or in pursuing it more idle and impure.

(c) In Alexand.

I will pass over your protestation of Respect and Obedience due unto Princes: Protest what you please, we will take you for no other than a vile kind of vermine, which, if it be permitted to creep into the bowels of any State, will gnaw the Heart-strings thereof in sunder. This you manifest by the coarse comparison which presently you annex, that as a natural Body hath authority to cure the Head if it be

out

out of tune, and reason to cut it off oftentimes, if it were able to take another; so a body Politick hath power to cure or cut off the Head, if it be unsound. But what either Will or Power hath any part of the Body in it self? What either Sense for the one, or Motion for the other, which proceedeth not altogether from the Head? Where is the Reason seated which you attribute to the Body, both in judging and curing the infirmities of the Head? Certain it is, that in your cutting-cure you deal like a foolish Physician, who finding a Body half taken and benumb'd with a Palsie, cutteth off that part to cure the other, and so make sure to destroy both. You suppose, belike, that to enter into greater perils, is the onely remedy of present Dangers. I omit to press many points of this Comparison against you, because Comparisons do serve rather to illustrate than enforce: and I know not what assertion you might not easily make good, if such senceless prating might go for proof.

I come now to your particular Examples, whereof the first is of King *Saul*; whom you affirm to be deprived and put to death for his disobedience. *Saul deprived and put to death?* I never heard that any of his Subjects did ever lift up one thought against him. Dreamer, you will say, he was slain by the Philistines: Good, but who deprived him? It was God (you say) who did deprive him. You must pardon us, if upon the suddain we do not conceive the mystery of your meaning:

Your

Your words of deprivation and putting to death, do rather import a judicial proceeding against him, than that God delivered him to be vanquished by his Enemies in the Field. But what is this to dispossessing by Subjects? Yes, you say, because whatsoever God hath put in ure in his Commonwealth, may be practised by others. Why, but then also good Princes may be deposed by their Subjects, because God delivered *Josiah* to be slain by the *Egyptians*.

You Firebrands of Strife, you Trumpets of Sedition, you Red Horses whose sitters have taken peace from the Earth (*d*), how impudently do you abuse the Scriptures? how do you defile them with your filthy Fingers? It is most certain, that *David* knew, both because *Samuel* told him, and because he had the Spirit of Prophesie, that God had rejected *Saul*, and designed him to be King in his place: yet his Doctrine was always, not to touch the Lords Anointed, (*e*) whereto his Actions were also answerable: For when *Saul* did most violently persecute him, he defended himself no otherwise than by Flight. During this pursuit, *Saul* fell twice into his power; once he did not onely spare, but protect him, and rebuke the Pretorian Soldiers for their negligent watch: The other time his Heart did smite him, for that he had cut away the lap of his garment. Lastly, he caused the Messenger to be slain, who upon request, and for pity, had furthered (as he said) the death of that sacred King. We have a

(*d*) Apoc. 6. 4.

(*e*) Ps. 105. 1. reg. 24.

Pre-

Precept of Obedience, which is the mould wherein we ought to fashion our actions. God onely is superiour to Princes, who useth many instruments in the execution of his justice, but his authority he hath committed unto none.

Your second Example is of King *Amon*, who was slain (as you write) by his own people, because he walked not in the ways of the Lord. This is somewhat indeed, if it be true; let us turn to the Text: (*f*) *Amon was twenty two years old when he began to reign, &c. and he did evil in the sight of the Lord*, &c. *and his servants conspired against him, and slew him in his house; and the people smote all those who conspired against King* Amon, *and made* Josiah *his son King in his stead.* But this is very different from that which you report. *Amon* was slain by his Servants, and not by the people; who were so far from working, that they severely revenged his death. And although *Amon* was evil, yet the Scripture layeth not his evil for the motive whereupon his Servants slew him. The Devil himself in alleadging the Scripture, used more honesty and sincerity (if I may so term it) than you: For he cited the very words, wresting them onely to a crooked sence; but you change the words of the Scripture: you counterfeit God's coyn; you corrupt the Records which he hath left us. I will now shake off all respect of civility towards you, and tell you in flat and open terms, that as one part of your Assertion is true, that good Kings succeeded *Saul* and *Amon*; so the

(*f*) 4 reg. 21.

the other part, that either they were, or in right could have been deprived and put to death by their Subjects, it is a sacrilegious, a loggerheaded lye.

Of your Example of *Romulus* I have spoken before. I have declared also how the *Romans*, presently after the expelling of their Kings, and for that cause, were almost overwhelmed with the weight of War, being beaten home to the very Gates of their City. And had not *Choeles* by a miracle of Manhood sustained the shock of the Enemies, whilst a Bridg was broken behind him, the Town had been entred, and their State ruined. And whereas you attribute the inlargement of the Empire, which hapned many Ages after, to this expelling of their Kings, you might as well have said, that the rebellion against King *John* was the cause of the Victories which we have since had in *France*. I have before declared, that the state of the *Romans* under their Consuls, was popular rather in shew, than in deed: This shew began also to end, when by the Law *Valeria*, L. *Sylla* was established Dictator for four and twenty years. After this, the Empire did mightily increase, until the reign of *Trajane*; at which time all Authors agree that it was most large; and yet far short of your wandring Survey, not half Fifteen thousand miles in compass.

In your Example of *Cesar*, I never saw more untruths crowded together in fewer words: you say he broke all Laws both Humane and Divine: that is one; his greatest

Ene-

Enemies did give of him a most honourable testimony. You say he took all Government into his hands alone: that is two; the people by the Law *Servia* elected him perpetual Dictator. You make his death to be an act of the State: that is three; for they who slew him, were both declared and pursued by Decree of the State for publick Enemies; of whom, not any one, either died a natural death, or lived three years after: it was further decreed, that the Court where he was slain should be stopped up, that the Ides of March should be called *parricidium*, and that the Senate should never be assembled upon that day. You say that *Augustus* was preferred in his place: that is four; and all within the compass of six Lines. *Augustus* was never chosen Dictator; *Suetonius* writeth (*g*) that he entreated the people upon his knee, not to charge him with that Office. But *Augustus*, *Antonius*, and *Lepidus* did first knit in Arms by the name of *Triumviri*, to revenge the death of *Julius Cæsar*; whereupon a long cruel and doubtful War was set up, which continued the space of twenty years: first, between these three and the Murtherers of *Cæsar*; then between *Lepidus* and the other two: lastly between *Augustus* and *Antonius*: and this was the sweet success of the murther of *Cæsar*.

(*g*) In Augusto. genu nixus dictaturam deprecatus est.

Augustus, after his Victory was made perpetual Tribune, as *Suetonius* hath written. *Dio* saith, (*i*) that he was freed from the power of the Laws, as *Pompey* also had been before him.

(*i*) In Aug. ἡ βουλὴ πάσης αὐτὸ τῆς τῶν νόμου ἀνάγκης ἀπήλλαξεν. lib. 53.

him. *Tacitus* addeth, (*k*) that the people having their hearts broken with broils, permitted him to rise into rule, and to draw by degrees the whole Authority of the State into his hands. And so it seemeth that the Royal Law was not yet established, by which the people gave over their power in Government: Whereupon some make good the Sentence which the Senate gave against *Nero*, because the Soveraignty was not then by any expreſs Act setled in the Emperour.

(*k*) In prooem.

(*l*) Lex regia.

But where you bring the Succession of *Vespasian* as a good success of this Sentence against *Nero*, it is a wild and witless untruth. *Galba* succeeded next after *Nero*, who was slain in a sedition raised by *Otho*. *Otho* again was overcome in field by *Vitellius*; whereupon he slew himself. Lastly, *Vitellius* was overthrown and slain by the Captains of *Vespasian*, who was the fourth Emperour after *Nero*. These Intestine Wars, these open Battles fought to the full, this slaughter of Emperours, which you term Interludes, were the immediate success after the death of *Nero*. You Fiends of Hell, whose Voices are Lightning and Thunder, whose breathing is nothing but Sword, Fire, Rages, and Rebellions: the encountring of Armies, the butchery of millions of men, the Massacre of Princes, you account Interludes: These are your pleasures; these your recreations. I hope all Christian Commonwealths will bear an eye over your inclination, and keep out both your persons and perswasions, from turning their State

into an open Stage for the acting of these Interludes.

You continue your base boldness in affirming, that the Senate procured the death of *Domitian*; that they requested the Souldiers to kill *Heliogabalus*; that they invited *Constantine* to come and do justice upon *Maxentius*: this broken kind of disguising is familiar unto you, to make such violences as have often prevailed against excellent Princes, to seem to be the act of the whole State. And whereas you bring the succession of *Alexander Severus* for a good success of the murther of *Heliogabalus*, being the rarest Prince (you say) that ever the *Romans* had, you might have alleadged any Author in proof thereof better than *Herodian*, who writeth of him in this manner. (m) *Alexander did bear the name and Enfigns of the Empire; but the administration of Affairs and government of the State did rest upon women.* And further he writeth, that by his slackness and cowardise, the *Roman* Army was defeated by the *Persians*: and finally, that for his want of courage he was slain by his own Souldiers. By this we may see that you go blindfold, being so far from caring, that many times you scarce know what you write.

(m) lib. 6

Your markable Example (as you term it) of the change of the Empire, from the West to the East; from *Constantine* the sixth, to *Charles* King of *France*, doth mark out nothing more unto us than your soundred judgment. The question is not what one forrain Prince

Prince may do against another, but what Subjects may do against their Soveraign? This is the point of controversie; here you must close, and not traverse about in discourses impertinent.

The change of the Kingdom of *France* from *Childerie* to *Pepin*, your own Author *Girard* (*n*) affirmeth to be both an ambitious and fraudulent usurpation, wherein *Pepin* used the reverence of Religion as a Mantle to cover his Impiety and Rebellion. The matters which he objected against *Childerick* were two: First, his insufficiency, the ordinary pretence of most Rebellions; but *Girard* saith (*o*) that the ancient custom of the French was, to love and honour their Kings, whether sufficient or unable, worthy or weak; and that the name of King was esteemed sacred by whomsoever it was born. Secondly, he objected, that his Subjects were conditionally sworn unto him: and this also *Girard* writeth to be a forced and cautelous interpretation, violently straining the words of their Oath to his advantage; and indeed, if the Oath of the people had been conditional, what needed they to procure a Dispensation for the same? This was the first act (saith he) whereby the Popes took occasion to set in their foot of Authority for transporting of Kingdoms from one Race to another: which growing to strength, hath filled all Christian Countries with confusion and tumult.

(*n*) lib. 1. de l'state de France.

(*o*) Ibidem.

Likewise, the change of that Kingdom from the Line of *Pepin* to the Line of *Capet*,

was a meer violence and intrusion, and so it was acknowledged by *Endes* Earl of *Paris*, the first of that Family who did usurp (*p*) and for that cause he was constrained after two years reign to quit the Crown, and to give place unto *Charles* the lawful Heir. And when *Robert*, brother unto *Endes*, did enter into arms to recover that which his Brother once held, he was beaten down and slain by the faithful Subjects of King *Charles*. *Hugh*, the son of *Robert* nourished this ambition; but *Hugh Capet* his son, with better both opportunity and success, but no better right, did accomplish the Enterprise. For *Girard* (*q*) calleth him an Usurper, and *Charles* Duke of *Lorain* the true Heir to the Crown. Between these two (as in all usurpations it is usual) War was raised; but by the unsearchable Judgment of God the Duke of *Orleans* was cast to the ground. And there is little doubt but, if he had prevailed, *Orleans* had been at this day a Member of the Crown of *France*.

(*p*) Girard fo. 52.

(*q*) Fo. 58. de l'State.

The like answer may be given to your Example of *Suintilla*: and this beside, that the Kingdom of the *Goths* in *Spain* was not then setled in succession, and chiefly during the Reign of *Victeric*, *Gundemir*, *Sisebuth*, *Suintila*, *Sicenand*, *Cintbilla*, and *Tulca*.

The History of *Alphonso*, another of your Examples, standeth thus. *Alphonso* had a son call'd *Ferdinand*, who died during the life of his father, and left two young sons behind him. After the death of *Ferdinand*, his younger Bro-

ther

ther *Sancho* practised with D. *Lope Diaz de Haro* Lord of *Biscay*, to procure him to be advanced to the succession of the Kingdom, before his Nephews. D. *Lope* undertook the devise; and drawing some other of the Nobility to the party, they so wrought with the King, that in an Assembly of the States at *Segovia*, *Sancho* was declared Successor, and the Children of *Ferdinand* appointed to be kept in Prison. But *Sancho*, either impatient to linger in expectation, or suspitious that his Father grew inclinable towards his Nephews, made a League with *Mahomed Mir* King of *Granado*, a Moor; by whose aid, and by the Nobility of his Faction, he caused himself to be declared King. Hereupon *Alphonso* was enforced to crave assistance of *Jacob Aben Joseph* King of *Morocco*, who before had been an Enemy to *Alphonso*: but upon detestation of his unnatural Rebellion, he sent Forces to him, protesting notwithstanding, that so soon as the War should be ended, he would become his Enemy again. So *Alphonso* by help, partly of the *Morocco* Moors, and partly of his Subjects which remained loyal, maintained against his son both his Title and State during his life; but not without extremity of bloodshed, and opportunity for the Moors, being assistant to both parties, to make themselves more strong within the Countries of Spain. For this cause *Alphonso* disinherited his son by his Testament, and cast a cruel curse upon him and his Posterity: and afterward it was ordained in an Assembly of the

States holden at *Tero*, that the Children of the elder Brother deceased, should be preferred before their Uncle.

How then will you verifie your two points by this History? First, that *Alphonso* was deprived by a publick Act of Parliament: Secondly, that it turned to the great Commodity of the State. It is not a million of *Masses* that are sufficient to satisfie for all your deceitful and malicious untruths. I marvel how the Rebellion of *Absolon* against King *David* his Father escaped you: Oh, it wanted success; and you could not easily disguise the Report.

You write, that the Commonwealth of *Spain* resolving to depose Don *Pedro* the cruel, sent for his Brother *Henry* out of *France*, and required him to bring a strength of *Frenchmen* with him: But hereby you make it plain, that the Commonwealth was not fully agreed. The truth is, that this was a dangerous division of the State between two Concurrents; some holding for *Henry*, and some for *Pedro*. *Henry* obtained forraign Assistance by the *French*; *Pedro* by the *English*. In the mean time, whilst *Peter* was thrown out of State by the Forces of *France*, and after that *Henry* by the Arms of *England*; and again *Peter* dejected both from dignity and life; the poor Country became a Spectacle for one of your Enterludes.

Your Example of Don *Sancho Capello* King of *Portugal*, containeth many intollerable untruths: for neither was he deprived of his digni-

dignity, neither did the Pope and Council of *Lions* give either authority or consent that he should be deprived; neither was he driven out of his Realm into *Castilla*; neither died he in banishment; neither was *Alphonso* his Brother King during his life. These five untruths you huddle into one heap. The Council of *Lions* wholly opposed against the deposing of Don *Sancho*, notwithstanding many disabilities were objected against him: in regard whereof they gave direction, that *Alphonso* his Brother should be Regent of the Realm; as in that case it is both usual and fit. But *Sancho* taking this to dislike, did seek Aid of the King of *Castile*, and in that pursuit ended his life without Issue: whereby the right of Succession devolved to *Alphonso*.

To your Examples of Greek Emperours (*r*) I will answer by your words, which are, That for the most part they came not orderly to the Crown, but many times the means thereof were tribulent and seditious. (*r*) c. 5. p. 84.

The deposing of *Henry* King of *Polonia*, I acknowledge to be both true and just; I have nothing to except against it. When the Crown of *France* did descend unto him, he forsook *Polonia*, and refused to return again to that swaggering Government; whereupon they did depose him. Give us the like case, and you shall be allowed the like proceeding; but you esteem your Examples by tale, and not by touch: being not much unlike a certain mad Fellow in *Athens*, who imagined every Ship which was brought into the Haven

to be his: For whatsoever you find of a King deposed, you lay claim unto it, as both lawfully done, and pertaining to your purpose; whereas one of these doth always fail.

Concerning your two Examples, one of *Sweden*, and the other of *Denmark*, I shall have occasion to speak hereafter. The Nobility of those Countries pretend that their Kings are not Soveraign, but that the power in highest matters of State pertaineth unto them. If it be thus, the Examples are not appliable to the Question; if it be otherwise, then the Princes had wrong.

We are now come to our domestical Examples; the first whereof is that of King *John*, who was deposed by the Pope, you say at the suit of his own people. All this people was the Archbishop of *Canterbury*, the Bishop of *London*, and the Bishop of *Ely*; at whose complaint, the Pope did write to *Philip* King of *France*, that he should expel King *John* out of his Realm. If not Conscience, if not ordinary Honesty, pure Shame should have drawn you to another form of writing. He was also deprived (you say) afterwards by his Barons. Heavy Beast, call you this a Deprivation? The Commons were never called to consent; the Clergy were so opposite to those that stood in Arms against King *John*, that they procured Excommunication against them; first, generally; then by name; lastly, *Lewes* the French king's son was also included: Of the Nobility, which is only the third State of the Realm, I make no doubt but some reserved

ved themselves to be guided by success; others, and namely the Earls of *Warren*, *Arundel*, *Chester*, *Pembrooke*, *Ferrers*, *Salisbury*, and divers Barons did openly adhere unto King *John*: You may as well call any other Rebellion a Deprivation, as affirm that the rest either did or might deprive him. And whereas you bring in King *Henry* the Third as a most worthy Successor after this Deprivation, I will derogate nothing from his worthiness; but there was never King in *England*, who without concurrent in the Title of the Crown, did draw more bloud out of the sides of his Subjects.

Your second Example is of King *Edward* the Second, whom many of our Histories report to be of a good and courteous nature, and not unlearned; imputing his defects rather to Fortune, than either to counsel or carriage of his Affairs. His Deposition was a violent fury, led by a Wife both cruel and unchast; and can with no better countenance of right be justified, than may his lamentable both indignities and death which thereupon did ensue. And although the Nobility, by submitting themselves to the government of his Son, did break those occasions of Wars which do usually rise upon such Disorders, yet did not the hand of God forget to pursue revenge: For albeit King *Edward* his Son enjoyed both a long and prosperous Reign, yet his next Successor King *Richard* the second, was in the like violent manner imprisoned, deprived, and put to death. I will prosecute the successive

revenge

revenge which hereof also ensued, being a strange matter, and worthy to be rung into the ears of all Ages. King *Henry* the Fourth, by whom King *Richard* was deposed, did exercise the chiefest Acts of his Reign in executing those who conspired with him against King *Richard*. His Son had his Vertue well seconded by Felicity; during whose Reign, by means of the Wars in *France*, the humour against him was otherwise employed and spent: but his next Successor King *Henry* the Sixth, was in the very like manner deprived, and together with his young Son *Edward* imprisoned and put to death by King *Edward* the Fourth. This *Edward* died not without suspicion of poyson; and after his death his two Sons were in like manner disinherited, imprisoned, and murthered by their cruel Uncle the Duke of *Gloucester*; who being both a Tyrant and Usurper, was justly encountred and slain by King *Henry* the Seventh in the field. So infallible is the Law of Justice in revenging Cruelties and Wrongs, not always observing the presence of times wherein they are done, but often calling them into reckoning, when the Offenders retain least memory of them.

Likewise the deposition of King *Richard* the Second was a tempestuous Rage, neither led nor restrained by any Rules of Reason or of State; not suddenly raised and at once, but by very cunning and artificial degrees. But examine his actions without distempered judgment, and you will not condemn him to

be

be exceeding either insufficient or evil: weigh the Imputations that were objected against him, and you shall find nothing either of any truth or of great moment.

Hollingshead writeth (*s*), that he was most unthankfully used by his Subjects; for although, through the frailty of his youth, he demeaned himself more dissolutely than was agreeable to the Royalty of his estate, yet in no Kings days the Commons were in greater wealth, the Nobility more honoured, and the Clergy less wronged: who notwithstanding in the evil-guided strength of their Will took head against him, to their own headlong-destruction afterward: partly during the Reign of King *Henry*, his next Successor, whose greatest Atchievements were against his own people; but more especially in succeeding times, when upon occasion of this disorder more English bloud was spent than was in all the forraign Wars which had been since the Conquest. Three causes are commonly insinuated by you, for which a King may be deposed; Tyranny, Insufficiency, and Impiety: But what Prince could hold his State, what People their Quiet assured, if this your Doctrine should take place? How many good Princes doth Envy brand with one of these marks? What action of State can be so ordered, that either blind Ignorance or set Malice will not easily strain to one of these heads? Every execution of Justice, every demand of Tribute or Supply, shall be claimed Tyranny: every infortunate Event shall be exclaimed Insufficiency: every kind

(*s*) In Richard 2.

kind of Religion shall by them of another Sect be proclaimed Impiety. So dangerous it is to permit this high power to a heedless and headless Multitude, who measure things not by Reason and Justice, but either by Opinion, which commonly is partial, or else by Report, which usually is full of uncertainties and errours: the most part doing because others do; all easie to become slavish to any mans ambitious attempt. So dangerous it is to open our ears to every foolish *Phaeton*, who undertaking to guide the Chariot of the Sun, will soon cast the whole Earth into combustion.

You proceed, that King *Henry* the Sixth was also deposed for defects in Government. Let us yield a little to you, that you may be deceived; a little that you may be carried by your affections: How can you excuse these open untruths, wherein it cannot be but the Devil hath a finger? You cannot be ignorant that the onely cause which drew the Family of *York* into Arms against King *Henry*, was the Title which they had unto the Crown: by vertue whereof it was first enacted, That *Rich.* Duke of *York* should succeed King *Henry*, after his death: but for that he made unseasonable attempts, he was declared by Parliament incapable of succession, and afterwards slain at the Battel of *Wakefield*.

Then *Edward* his Son, prosecuting the enterprize, and having vanquished King *Henry* at the Battle of St. *Albans*, obtained possession of the State, caused King *Henry* to be deposed

posed, and himself to be proclaimed and Crowned King. Afterward he was chased out of the Realm, and by Act of Parliament both deprived and disabled from the Crown. Lastly, he returned again, and deprived King *Henry* both from Government and from Life. It is true, that some defects were objected against King *Henry*; but this was to estrange the hearts of the people from him. The main cause of the War did proceed from the right of the one party, and possession of the other: The contrariety of the Acts of Parliament was caused, by the alternative Victories of them both.

Your last example is of King *Richard* the Third, of whom you write: First, that although he sinned in murthering his Nephews, yet after their death he was lawful King. Secondly, that he was deposed by the Commonwealth, who called out of *France Henry* Earl of *Richmond*, to put him down. Philosophers say, that dreams do commonly arise, by a reflection of the phansie upon some subject, whereof we have meditated the day before. It may be that your drowsie conceit was here cast into a dream, of that whereon it had dozed in all this Chapter: Or at the best, that you are like unto those, who have so often told a lie, that they perswade themselves it is ture. King *Edward* the fourth left other children besides those that were murthered; the Duke of *Clarence* also, who was elder Brother to King *Richard*, left Issue in life, all which had precedence of right before him. And as for

for the second point, tell me, I pray you, by what Parliament was King *Richard* deposed? where did the States assemble? when did they send for the Earl of *Richmond* to put him down? by what Decree? by what Messengers? There is no answer to be made, but one; and that is, to confess ingenuously, that you say untrue; and that it is your usual manner of deceiving, to impute the act of a few unto all; and to make every event of Arms, to be a judicial proceeding of the Commonwealth. For it is manifest, that the Earl of *Richmond* had his first strength from the King of *France*; and that after his descent into *England*, more by half, both of the Nobility and common people did stand for King *Richard*, than stir against him. You adjoyn for a special consideration, that most excellent Princes succeeded these whom you affirm to be deposed. I will not extenuate the excellency of any Prince; but I hold it more worthy to be considered, that these disorders spent *England* a sea of bloud.

In the end you conclude, that all these deprivations of Princes were lawful. Nay; by your favour, if you sweat out your brains, you shall never evince, that a fact is lawful because it is done. Yes (you say) for otherwise two great inconveniences would follow: One, that the acts of those that were put in their place, should be void and unjust. The other, that none who now pretend to these Crowns, could have any Title, for that they descended from them, who succeeded those that were deprived.

You

You deserve now to be basted with words well steeped in Vinegar and Salt; but I will be more charitable unto you, and leave bad speeches to black mouths. For the first, the possession of the Crown purgeth all defects, and maketh good the acts of him that is in Authority, although he wanteth both capacity and right. And this doth *Ulpian* expressly determine (*t*) upon respect (as he saith) to the common good. For the other point, the Successors of an Usurper, by course and compass of time, may prescribe a right; if they who have received wrong, discontinue both pursuit and claim. *Panormitanus* saith (*u*), *Successor in Dignitate potest præscribere, non obstante vitio sui Prædecessoris. A Successor in Dignity may prescribe, notwithstanding the fault of his Predecessor*; Otherwise, causes of War should be immortal, and Titles perpetually remain uncertain.

(*t*) In l. Barbarius. D. de offic. præsid.

(*u*) In c. cura pastoralis de jure patron.

Now then for summary collection of all that you have said: your Protestations are good; your Proofs light and loose; your Conclusions both dangerous and false. The first doth savour of God, the second of Man, the third of the Devil.

An

An Answer to the fourth Chapter, which beareth title,

Wherein consisteth principally the lawfulness of proceeding against Princes, which in the former Chapter is mentioned. What interest Princes have in their Subjects goods or lives. How Oaths do bind or may be broken, of Subjects towards their Princes; and finally, the difference between a good King and a Tyrant.

HEre you close with *Bellaie* upon two points: First, whether a King is subject to any Law. Secondly, whether all Temporalities are in propriety the King's: But because these questions do little pertain to our principal Controversie, I will not make any stay upon them; it sufficeth that we may say with *Seneca* (a): *Omnia Rex imperio possidet, singuli domino. The King hath Empire, every man his particular propriety in all things.*

(a) De benefic. lib. 7. c. 5.

After this, you proceed further to make good, that the Princes before-mentioned were lawfully deposed; and that by all Law, both Divine and Humane, Natural, National, and Positive. Your cause is so bad, that you have need to set a bold countenance upon it. But what Divine Laws do you alleadge? You have

have largely before declared (you say) that God doth approve the form of Government which every Commonwealth doth choose, as also the Conditions and Statutes which it doth appoint unto her Prince. I must now take you for a natural lyar, when you will not forbear to belye your self: you never proved any such matter; and the contrary is evident, that sometimes entire Governments, often, Customs and Statutes of State, and very commonly accidental actions are so unnatural and unjust, that (otherwise than for a punishment and curse) we cannot say that God doth approve them. We have often heard that the Church cannot erre in matters of Faith; but that in matter of Government a Commonwealth cannot erre, it was never (I assure my self) published before.

But let us suppose (supposal is free) that God alloweth that form of Government which every Commonwealth doth choose: Doth it therefore follow, that by all Divine Laws Princes may be deposed by their Subjects? These broken pieces will never be squared to form strong argument. But wherefore do not you produce the Divine Canons of Scripture? Surely, they abhor to speak one word in your behalf: yea, they do give express sentence against you, as I have shewed before.

Well, let this pass among your least escapes; in making God either the Author or Aider of Rebellion, you alleadge no other Humane Law, but that Princes are subject to Law and Or-

der. I will not deny but there is a duty for Princes to perform: But how prove you that their Subjects have power to depose them if they fail? In this manner: As the Commonwealth gave them their Authority for the common good, so it may also take the same away, if they abuse it. But I have manifested (c) before (c), both that the people may so grant away their Authority that they cannot resume it; and also that few Princes in the world hold their State by grant of the people. I will never hereafter esteem a mans valour by his voice: Your brave boast of all Laws, Divine, Humane, Natural, National and Positive, is dissolved into smoak: You busie your self as the Poets write of *Morpheus*, in presenting shadows to men asleep.

(c) Cap. 2.

But the chiefest reason (you say) the very ground & foundation of all. Soft; What reason? what ground? if you have already made proof by all Laws, Humane and Divine, Natural, National and Positive, what better reason; what surer ground will you bring? Tush; these interruptions? The chiefest reason (you say) the very ground and foundation of all is, that the Commonwealth is superiour to the Prince; and that the Authority which the Prince hath, is not absolute, but by the way of mandate and commission from the Commonwealth.

This is that which I expected all this time: you have hitherto approached by stealing steps, you are now come close to the wall; do but mount into credit, and the fort is your own.

own. You affirmed at the first, that Princes might be deposed for disability; then, for misgovernment; now, upon pleasure and at will. For they who have given authority by commission, do always retain more than they grant (*d*); and are not excluded either from Commanding or Judging, by way of prevention, concurrence, or evocation; even in those cases which they have given in charge (*e*): The reason is declared by *Ulpian*, (*f*) *Because he to whom Jurisdiction is committed representeth his person who gave commission, and not his own.* Hereupon *Alexander* (*g*), *Panormitane* (*h*), *Innocentius*, and *Felinus* (*i*), do affirm, that they may cast their Commissioners out of power when they please, because, as *Paulus* saith (*k*) *a man can judge no longer, when he forbiddeth who gave authority.*

(*d*) C. dudum de præb. lib. 6.

(*e*) l. judicium solvitur. D. de judic.

(*f*) l. solet. de jurisd.

(*g*) In l. ult. de jurisd.

(*h*) in c. pastoralis de off. ord.

(*i*) In c. cum ecclesiarum. eo.

(*k*) In d. l. judicium.

Further, all States take denomination from that part wherein the supreme power is setled; as if it be in one Prince, it is called a Monarchy; if in many of highest rank, then it is an Aristocracy; if in the people, then a Democracy. Whereupon it followeth; if the people are superiour to the Prince, if the Prince hath no power but by commission from them, that then all Estates are popular: for we are not so much to respect who doth execute this high Power of State, as from whom immediately it is derived. Hereto let us add that which you have said in another place (*l*); that in popular Governments there is nothing but sedition, trouble, tumults, outrages, and injustices upon every light occasion; and then

(*l*) Cap. 2.

we shall perceive, first, that you want the art of a wise deceiver, not to be entangled in your tale. Secondly, that this is mere poyson, which the Devil hath dropt out of your Pen, to infect Christian Countries with disobedience and disorder. In a word, to the contrary of this your impudent untruth, our Laws do acknowledge supreme authority in the Prince within the Realm and Dominions of *England*, (*m*) neither can Subjects bear themselves either superiour or equal to their Soveraign; or attempt violence either against his person or estate, but as well the Civil Law (*n*), as the particular Laws and Customs of all Countries, do adjudge it high and hainous Treason. I will speak now without passion: What reason have we, to accept your idle talk for a kind of authority, against the Judgment and Laws of most Nations in the world?

(*m*) 1 El. 1.

(*n*) L. 1. d. ad. l. Jul. majest.

(*o*) Frustra fidem sibi quis postulat servari ab eo, cui fidem a se præstitam servare recusat.

(*p*) Non obstringitur quis ad implendum quod juravit si ab alia parte non impletur, cujus respectu præbuit juramentum.

You proceed, that the power of a Prince is given to him by the Commonwealth, with such conditions and exceptions, as if the same be not kept, the people stand free. That the Prince receiveth his power under plain conditions, you go about to prove afterward: now you hold on, that in all mutual contracts, if one side recede from promise, the other remaineth not obliged: And this you prove by two Rules of the Law. The first is (*o*), *He doth in vain require promise to be kept of another man, to whom he refuseth to perform that which he promised.* The other is (*p*) *A man is not bound to perform his Oath if on the other part that be not performed, in respect whereof he did swear.*

Poor

Poor fellow, had you been as conversant in the light of Law, and clear course of Justice, as you are in the smoak and dust of some corner of a Colledge, you would never have concluded so generally so confidently upon any of the Rules of Law, which are subject for the most part unto many exceptions. *Alexander* (q) & *Felinus* (r) do assign five fallencies unto these Rules: *Socinus* (s) giveth the contrary Rule: *To him that breaketh his faith or oath, faith ought to be kept*; and then restraineth it with seven limitations. But all affirm, that in those offices which are mutual between any persons, by the Law of Nature or of God; as between the Father and the Child, the Husband and the Wife, the Master and Servant, the Prince and the Subject; although the same be further assured by Promise or by Oath, the breach of duty in the one, is no discharge unto the other.

(q) In l. cum proponas c. de pact.
(r) In c. pervenit 2. de jurejur.
(s) In tract. fallen reg. 159.

And therefore if the Father performeth not his duty towards his Children, they are not thereby acquitted both of the obedience and care, which God and Nature exacteth of them; howsoever *Solon* in his Laws discharged Children from nourishing their Parents, if they did not train them in some Trade, whereby they might acquire their living. Much less are Subjects exempted from Obedience, if the Prince either erre or be defective in Government; because the like respect is not due unto Parents as unto Princes (as I have somewhat touched before) insomuch as a Son that beareth authority, hath right both to command and compel the Father (t).

(t) Lille a quo & seq.

This was declared among the Romans, by that which *Plutarch* (*u*), *Livie* (*x*), *Valerius*(*y*), and *Gellius* (*z*), do report of *Q. Fabius*: to whom, being Consul, when *Fabius Maximus* his Father, who had been Consul the year before, did approach sitting upon his Horse, the Son commanded him by a Sergeant to alight: the Father not onely obeyed, but highly commended both the Courage and Judgment of his Son, in maintaining the Majesty which he did bear, and in preferring a publick both Duty and Authority before private. Upon those examples *Paulus* the Lawyer did write (*a*), that publick discipline was in higher estimation among the Roman Parents, than the love of Children.

(*u*) In apopht.
(*x*) Lib. 24.
(*y*) Lib. 2. c. 1.
(*z*) Lib. 2. c. 2.
(*a*) L. postliminium. * filius D. de capit. & postlim.

After an impertinent discourse, that upon divers considerations an Oath ought not to be performed; you annex another cause wherefore Subjects may withdraw their Allegeance; and that is, when it should turn to the notable damage of the Commonwealth: And both these you affirm to be touched, in the deprivation of *Childerick* King of *France*. But I regard not what was touched in the deprivation of *Childeric*; I have answered to that in the Chapter next before; I require either Arguments or Authority of more tough temper. Well then, let us turn back the leaf, and there we shall find a Rule of the Law (because by Rules only you will only beat down Rule) (*a*) *In evil promises it is not expedient to keep faith:* Which is also confirmed by a sentence of *Isidorus* (*b*): *In evil promises, break*

(*a*) c. In malis de reg. jur. in 6.
(*b*) 22.q.4. c. 5.

break your word; in a dishoneſt oath change your purpoſe.

Well fare your wits, good ſoul; Do you account the promiſe of obedience evil? not ſo (I ſuppoſe you will ſay) but it turneth to be evil when it turneth to the notable detriment of the Commonwealth. It is one of your peculiar gifts, the further you go, the more impious you declare your ſelf. For if you take the word evil in no higher ſence than for detriment and dammage, it would follow upon your rule, that a man were no further tied to his promiſe, than the performance thereof were advantageable unto him. You would enforce alſo, that if the Father doth diſſipate his patrimonial Eſtate, and run a courſe to ruine his Family, the Children and the Wife may thereupon diſavow their duties.

But if we take a true touch of this point, we ſhall find that the vices of any Prince are not ſufficient of themſelves to overthrow a State, except thereupon Rebellions be raiſed, which will draw all things into confuſion. For there is no Prince, which either hath lived, or can almoſt be imagined to live, in ſo little ſence of humanity, but generally he both favoureth and maintaineth ſome order of Juſtice; only againſt particular perſons, ſome of them have violently been carried by the tempeſt of their paſſion, whereby notwithſtanding the inordinate deſires of one man, cannot poſſibly reach to the ruine of all.

So ſaith *Suetonius*, (c) that under *Domitian* the

(c) In Domit.

the provinces were well governed, only certain private men at *Rome*, felt the evil of his cruelty and other vices. But when the people do break into tumult, then all course of Justice is stopped; then is either assistance made, or resistance weakned for forain Invasion; then is every one raised into hope who cannot fly but with other mens Feathers; then, as when a fierce Horse hath cast his Rider, the Reins are loosed to those insolencies, which a dissolute people, nothing restrained either by honesty or fear do usually commit. For as it is the nature of men, when they come out of one extremity wherein they have been holden by force, to run with a swift course into another, without staying in the midst; so the people breaking out of Tyranny, if they be not held back, will run headlong into unbridled liberty; and the harder they were kept under before, the more insolently will they then insult.

I observe that Saint *Paul* alleadgeth two reasons wherefore we should be obedient even to wicked and cruel Princes: one is for conscience sake, *Because they are the ministers of God* (*d*), and in their Royalty do bear his Image: Another, for the safety and tranquillity of our selves; *that we may lead under them a quiet and peaceable life* (*e*). Whereupon the Prophet *Jeremiah* (*f*) also exhorted the Jews to seek the peace of the City whither they should be transported, because in the peace thereof their quiet should consist: For by obedience, a few particulars remain in danger;

(*d*) Ro. 13. 4.

(*e*) 1 Tim. 2. 2.

(*f*) Jer. 29. 7.

ger; by Rebellion, all; by Obedience, we can be under the Tyranny but of one; by Rebellion we are exposed to the Rapine and Cruelty of many; by the one nothing, by the other all things are permitted. Upon this ground Saint *Augustine* said; (g) *It is a general covenant of humane Society to obey Kings:* And likewise St. *Ambrose* (h) *It is a great and special point of doctrine whereby Christians are taught to be subject unto higher powers.*

(g) Generale quippe pactum est humanæ societatis, regibus obedire. confess. lib. 2.

(h) Magnum est & speciale documentum, &c. ad Auxentium

Three ways a cruel Prince may work violence against his Subjects; upon their Goods; upon their Persons; and upon their Consciences, by commanding them to commit that which is evil. Of the first, St. *Ambrose* saith: (i) *If the Emperour demandeth tribute, we do not deny him: If he desireth Fields, let him take them if he please: I do not give them to the Emperour; but therewith also I do not deny them.* Of the second, *Tertullian* writeth (k) as I have alleadged him before: For what War are we unserviceable or unfit, although unequal in number, who do so willingly suffer death? Yea, he was so far from judging it lawful to resist, that he thought it scarce allowable to fly. In the third case, not your rule of Law, but the rule of the Apostles taketh place: *It is better to obey GOD than man* (l): whereby the Subject is not bound to yield obedience.

(i) Ad Auxentium.

(k) Apol.

(l) Act. 4.

But how? he is not bound to obey by doing, but by suffering he is: He is not bound to obey in doing that onely which is evil; but he is not thereby freed from doing any other

ther thing which is lawfully commanded.
(m) In Psal. St. *Augustine* saith, *(m) Julian was an Infidel Emperour, an Apostata, an Idolater; Christian Souldiers did serve this Infidel Emperour; when he would have them worship Idols, and offer Frankincense unto them, they preferred God before him: but when he said, Bring forth the Army, march against such a Nation, they did presently obey.* All this seemeth to be confirmed by God himself, who after he had forewarned the people of *Israel* by the mouth of
(n) 1 Sam. 8. *Samuel, (n)* what heavie, what open injustice they should endure under some of their Kings, he concludeth in these words: *And ye shall cry out in that day because of your King, and the Lord will not hear you.* As if he had said: you shall grudge at this burthen, you shall groan under it; but you shall not have power, either to shrink from it, or to shake it off.

Surely, if you had been advised, you would privily have blown your Blasphemies into the ears of those Ideots, who adore you for the great Penitentiaries of the See of *Rome*, and esteem your idle imaginations as the Articles of their Faith: and not so publickly have poured forth your self into these Paradoxes, both impious and absurd; not so boisterously have stepped, like *Hercules Furens*, upon the open stage of the world, to denounce deprivation against all Princes. You would not thus confidently have opposed your hot-headed assertion against all the ancient Fathers of the Church. You would not thus ignorantly have troubled the Waters of true humane

mane Wisdom, by corrupting the sence of the Civil Laws: you would not thus profanely have abused the Scriptures in maintaining Rebellion, as Conjurers do in invocating the Devil. For first, you are thereby discovered to be neither religious, modest, nor wise: Secondly, you have run your self into the compass of a Canon, in the Council of *Chalcedon.* (q) Wherein it is thus decreed against you: *If Clerks shall be found to be contrivers of Conspiracies, or raisers of Factions, let them be degraded.*

(q) C. conjurationum xj q j.

After this you declare who is a Tyrant; and that is a King, (you say) if once he doth decline from his duty: which is a large description, and fit to set all Christian Countries on float with Bloud. *Cominer* saith, that he is to be esteemed a good King, whose vertues are not overballanced by vice.

I omit your thick errour in putting no difference between a Magistrate and a King, with many other of like quality; and do come now to a principal point of your strength: That Christian Princes at this day are admitted upon conditions, and likewise with protestations, that if they do not perform the same, their Subjects are free from all alleageance. This you will prove by the particular Oaths of all Princes, if the over-running of your tongue may have the full course without encounter.

AN

An Answer to the fifth Chapter, which is intituled,

Of the Coronation of Princes, and manner of admitting to their Authority; and the Oaths which they do make in the same unto the Commonwealth for their good Government.

FIrst I will preface, that no Prince is soveraign, who acknowledgeth himself either subject or accountable to any but to God; even as *Marcus Aurelius* said, That Magistrates were Judges of private men, and the Prince of Magistrates, and God of the Prince. In regard of this immediate subjection, Princes are most especially obliged to the Laws of God and of Nature: for (r) *Baldus*, (s) *Alexander*, (t) *Speculator*, (u) all Interpreters, (w) the Law it self, do affirm, that Princes are more strictly bound to these Laws, than any of their Subjects. Whereof (x) *Dionysius* the Tyrant had some sence, when he said unto his Mother, That he was able to dispence with the Laws of *Syracusa*, but against the Laws of Nature he had no power. If therefore a Prince doth profess that he will bear himself regardful of the accomplishment of these Laws, he doth not condition or restrain himself, but maketh an honourable promise of endeavour to discharge his Duty, being tyed thereby to no

(r) In l. 2. D. de servit. & aqua.
(s) Cons. 216.
(t) De legib.
* Nunc.
(u) In l. ult. c. si contra jus.
(w) c. sunt quidam 25. q. 1.
(x) [illegible]

no scanter scope than he was before. The reason hereof is, (y) *Quia expressio ejus quod tacitè inest, nihil operatur: The expressing of that which is secretly understood, worketh nothing.*

(y) L. 3. D. de leg. 1. Dec. in reg. 77. n. 10.

Again, when the Promise is not annexed to the Authority, but voluntarily and freely made by the Prince, his Estate is not thereby made conditional. For the Interpreters of the Civil Law do consent in this Rule (z), *Pacta conventa quæ contractibus non insunt, non formant actionem: Covenants which are not inherent in Contracts, do not form an Action.* And therefore although by all Laws, both of Conscience and State, a Prince is bound to perform his Promise; because (as the Master of Sentences saith) God himself will stand obliged to his word: yet is not the authority, but the person of the Prince hereby affected; the person is both tyed and touched in honour, the authority ceaseth not, if performances do fail.

(z) In l. jurisgentium + Quinimo

Of this sort was that which you report of *Trajan*, who in delivering the Sword to his Governors, would say, *If I reign justly, then use it for me; if otherwise, then use it against me:* But where you adde, that these are the very same words in effect which Princes do use at their Coronations, (pardon me, for it is fit I should be moved) you will find it to be a very base lye. Of this nature was that also which the same *Trajan* did (to encourage his Subjects to do the like) in taking an Oath to observe the Laws: which *Pliny* the younger did account so strange, as the like before

fore had not been seen. But afterward *Theodoric* did follow that fact; whereupon *Cassiodorus* saith, *Ecce, Trajani nostri clarum seculis reparamus exemplum; jurat vobis per quem juratis: We repair the famous example of* Trajan; *he sweareth to you by whom you swear.* So when King *Henry* the Fifth was accepted for Successor to the Crown of *France*, he made promise to maintain the Parliament in the liberties thereof. And likewise divers Princes do give their faith to maintain the priviledges of the Church, and not to change the Laws of the Realm: which Oath is interpreted by * *Baldus*, (*a*) *Panormitane*, and (*b*) *Alexander*, to extend no further than when the Laws shall be both profitable and just; because Justice and the common benefit of Subjects, is the principal point both of the Oath and Duty of a Prince, whereto all other clauses must be referred. And now to your Examples.

*In l. claris l. de fideis.

(*a*) In c. pro illorum de prebend.

(*b*) Conf. 220. lib. 6. & conf. 122 & 125. l. 4.

First, because in all the rank of the Hebrew Kings you cannot find either Condition or Oath; not in the ancient Empires and Kingdoms of the world; not usually in the flourishing time of the Roman State, both under Heathen and Christian Emperours; because these times are too pure for your purpose, you fumble forth a dull Conjecture: That forsomuch as the first Kings were elected by the People, it is like that they did it upon conditions and assurances for themselves. That the first Kings received not their Authority from the people, I have manifested before (*c*): and yet your inference hereupon is no other, than if

(*c*) In c. 1.

if you should sue in some Court for a Legacy, alleadging nothing for your intent, but that it is like the Testator should leave you something; in which case it is like (I suppose) that your Plea would be answered with a silent scorn.

After a few loose Speeches, which no man would stoop to gather together, you bring in the example of *Anastasius* the first Emperour of *Constantinople*; of whom the Patriarch *Euphemius* required before his Coronation, a Confession of the Faith in writing, wherein he should promise to innovate nothing. And further, he promised to take away certain Oppressions, and to give Offices without money. Let us take things as they are, and not speak upon idle imagination, but agreeable to sence. What either Condition or Restraint do you find in these words? Condition they do not form, because in case of failance they do not make the Authority void: neither do they make Restraint, because they contain no point whereunto the Law of God did not restrain him. All this he was bound to perform without an Oath; and if he were a thousand times sworn, he was no more but bound to perform it: even as if a Father should give his word to cloath and feed his Child; or the Husband to love his Wife; or any man to discharge that duty which God and Nature doth require. It is true, that *Anastasius* was both a wicked man, and justly punished by God for the breach of his Faith; but his Subjects did never challenge to be free therefore from their Allegiance. The

The same Answer may be given to the Promise, which *Michael* the first gave to *Nicephorus* the Patriarch, *That he would not violate the Ordinances of the Church, nor embrue his hands with innocent blood*; especially if you take the word *Ordinances* for matters necessary to be believed: but if you take it in a larger sence, then have I also declared in the beginning of this Chapter, how far the Promise doth extend.

Your next Example is of the Empire of *Almain*; from whence all that you object doth fall within this circle. After the death of *Charles* the Great, the Empire was held by Right of Succession, until his Line was determined in *Conrade* the First: After whose death it became Elective: first, in *Henry* Duke of *Saxony*; then in *Otho* his son; and afterwards in the rest: from whom notwithstanding no other promise was wrested, but the discharge of that duty, which they were informed, or rather threatned, that God would severely exact at their hands. But (as in all Elective States it usually happeneth) at every new change and choice, the Emperour was deplumed of some of his Feathers, until in the end he was made naked of Authority, the Princes having drawn all power to themselves.

So by degrees the Empire was changed from a Monarchy to a pure Aristocracy; the Emperour bearing the Title thereof, but the Majesty and Puissance remaining in the States. During which weakness of the Emperour, some points were added to his Oath, which seemed

seemed to derogate from the soveraignty of his estate. But what is this to those Princes who have retained their dignity, without any diminution either of Authority or of Honour?

The like may be said of *Polonia*, which not many hundred years since was erected into a Kingdom; and although the States did challenge therein a right of Election, yet did it always pass according to propinquity of bloud, and was esteemed a soveraign Monarchy; until after the death of *Casimire* the Great, when *Lodovicus* his Nephew King of *Hungary*, rather greedy than desirous to be King also of *Polonia*, did much abase the Majesty thereof. Yet falling afterward into the Line of *Jagello*, who married one of the daughters of *Lodowick*, it recovered the ancient both dignity and strength. But when that Line also failed in *Sigismond Augustus*, the last Male of that Family, the States elected *Henry* Duke of *Anjou* for their King, with this clause irritant; That if he did violate any point of his Oath, the people should owe him no Allegiance. But whereas you report this as the usual Oath of the Kings of *Polonia*, you deserve to hear the plainest term of untruth.

In the Kingdom of *Spain* you distinguish two times: one, before the Conquest thereof by the *Moors*; the other, after it was recovered again by the Christians. I acknowledge a difference in these two times; for that in the one, the Right of the Kingdom was Elective; in the other, it hath always remai-

ned Successive: insomuch as (d) *Peter Belluga*, a diligent Writer of the Rights of *Arragon*, doth affirm, that the people have no power in election of the King, except in case the Line should fail.

(d) In spec. tit. 14. * Veniamus, n. 10.

Concerning the matter in controversie, you affirm, that the Kings did swear the same points in effect, which before have been mentioned. This we must take upon your forfeited Faith, for you alleadge no form of Oath, onely you write, that the fourth National Council of (e) *Toledo*, with all humility convenient did require, that the present King and all other that should follow, would be meek and moderate towards their Subjects, and govern them with Justice, and not give sentence in Causes capital without assistance: declaring further, that if any of them should exercise cruel and proud Authority, that they were condemned by Christ with the sentence of Excommunication, and separated to everlasting Judgment.

(e) An. 523. cap. 74.

But what pang hath possessed your dreaming brains, to term this by a marginal Note, *Conditions of reigning in* Spain? being no other than a reverent and grave admonition of the duty of a King, with a fearful declaration of the Judgment of God against wicked Princes. And that which was afterward decreed in the sixth Council of *Toledo*, *That the King should swear, not to suffer any man to break the Catholick Faith*, because it is a principal point of his duty, his Estate was not thereby made conditional.

The

The rest of this passage you fill up with froath of the antiquated Law of Don *Pelayo*, prescribing a form of inaugurating the Kings of *Spain*; whereof there is not one point either now in use, or pertaining to the purpose. So miserable is your case, that you can write nothing therein, but that which is either impertinent or untrue.

For *France*, your first Example is taken from the Coronation of *Philip* the First: wherein you note, that King *Henry* his Father requested the people to swear Obedience to his son; inferring thereby, that a Coronation requireth a new Consent, which includeth a certain Election of the Subjects. But this is so light, that the least breath is sufficient to disperse it. *Philip* was crowned King during the life of his Father: which action, as it was not ordinary, so was it of such both difficulty and weight, that it could not be effected without assembly and consent of the States. The Oath which he made, is in this form extant in the Library of *Rheimes*: *I do promise before God and his Saints, that I will conserve to every one committed unto me, Canonical Priviledge, and due Law and Justice, and will defend them, by the help of God, so much as shall lie in my power, as a King by right ought to do within his Realm, to every Bishop, and to the Church committed to him: and further, to the People committed to my charge, I will grant by my authority the dispensation of Laws according to right.* Adde to this a more ancient form of the Oath of those Kings, which it seemeth you have not seen: *I*

swear in the Name of God Almighty, and promise to govern well and duly the Subjects committed to my charge, and to do with all my Power, Judgement, Justice, and Mercy. Adde also the Oath which you alleadge of *Philip* the Second, surnamed *Augustus*: *To maintain all Canonical Priviledges, Law and Justice due to every man, to the uttermost of his power; to defend his Subjects as a good King is bound to do; to procure that they be kept in the union of the Church; to defend them from all Excess, Rapine, Extortion, and Iniquity, to take order that Justice be kept with equity and mercy; and to endeavour to expel Hereticks.* What doth all this rise unto, but a Princely promise to discharge honourably and truly those points of duty which the Laws of God did lay upon them? What other Conditions or Restraints are imposed? What other Contract is hereby made? Where are the Protestations which in the end of the last Chapter you promised to shew, that if the Prince do fail in his Promise, the Subjects are free from their Allegiance? What Clause do you find sounding to that sence? But you little regard any thing that you say; you easily remember to forget your word. Well then, we must put these your vain Speeches into the reckoning of Money accounted, but not received: and seeing you cannot shew us that the Kings of *France* and of *Spain* are tyed to any Condition, whereto the Law of God doth not bind them, I will not vary from the judgment of *Ordradus* (f) in affirming them to be absolute Kings.

(f) Con. 69.

I have pressed this point the rather in this place, because you write, that most Neighbour-Nations have taken the form of anointing and crowning their Kings, from the ancient custom of *France*; although the substance be deduced from the first Kings of the Hebrews, as appeareth by the anointing of King *Saul*: whereof *David* (you say) made great account, notwithstanding that *Saul* had been rejected by God, and that himself had lawfully born Arms against him.

Out, Atheist; you would be dawbed with Dung, and have the most vile filth of your Stews cast in your face. Did *David* bear Arms against his anointed King? did he ever lift up his eye-lids against him? did he ever so much as defend himself otherwise than by flight? It is certain that *Shemei* did not half so cruelly either curse or revile this holy man, who did so much both by speech and action detest this fact, that he would rather have endured ten thousand deaths, than to have defiled his Soul with so damnable a thought. What then shall we say unto you, who to set up Sedition and Tumult, abuse all divine and humane Writings, in whatsoever you believe will advance your purpose? who spend some speech of respect unto Kings for allurement onely, to draw us more deep into your deceit? Shall we give any further ear to your Doctrine, both blasphemous and bloudy? We will hear you to the end; and I deceive my self, but your own tale shall, in any moderate judgment, condemn the authority of your opinions for ever.

Let us come then to your last Example, (which is neither the last nor the least whereat you level;) and that is of *England*, which of all other Kingdoms (you say) hath most particularly taken this Ceremony of Sacring and Anointing from *France*. Well, let the Ceremony be taken from whence you please; if the Oath be no other than you do specifie, *To observe peace, honour, and Reverence unto Almighty God, to his Church, and to the Ministers of the same; to administer Law and Justice equally to all; to abrogate evil Laws and Customs, and maintain good*; (which was the Oath of King *Richard* the First; the like whereto was that of King *John*, altered onely in the first branch, *To love and defend the Catholick Church.*) If the Oath be no other, I say, I do not see what other Answer you need to expect, but that it is onely a free Royal Promise, to discharge that duty which God doth impose. And this is plainly declared by the Speech which you alleadge of *Thomas Arundel* Archbishop of *Canterbury*, to King *Henry* the Fourth: *Remember* (saith he) *the Oath which voluntarily you made*: Voluntarily he said, and not necessarily; it was voluntaly in Oath, but necessary in Duty. That which you report also, that *Thomas Becket* did write unto King *Henry* the Second, importeth nothing else but an acknowledgment of Duty: *Remember* (said he) *the Confession which you made.*

I cannot omit your description of the manner of the Coronation in *England*. First (you say) the King is sworn; then the Archbishop de-

declareth to the people what he hath ſworn, and demandeth if they be content to ſubmit themſelves unto him under thoſe conditions: whereunto they conſenting, he putteth on the Royal Ornaments; and then addeth the words of commiſſion: *Stand and hold thy place, and keep thy Oath.* And thus you have hammered out a formal Election, ſuppoſing that you draw together the pieces of falſhood ſo cloſe, that no man can perceive the ſeam. The truth is, that King *Henry* the Fourth being not the neareſt in Bloud to the inheritance of the Crown, did countenance his violence with the election of the people; not at his Coronation, but in a Parliament that was holden before. And therefore you do impudently abuſe us; firſt, in joyning them together as one Act; ſecondly, by falſifying divers points in both; laſtly, by inſinuating that the ſame order was obſerved by other Kings.

The points which you falſifie, are theſe: The interrogation of the Archbiſhop to the people; the abſurd ſtraining of theſe words, *Stand, hold thy place*, to be a Commiſſion; the alleadging alſo out of *Stow*, 1. That the Archbiſhop did read unto the people what the King was bound unto by Oath. 2. That the Earl of *Northumberland* did ſhew a Ring unto the people, that they might thereby ſee the Band whereby the King was bound unto them. 3. That the King did pray that he might obſerve his promiſe. In whi h compoſition of Conceits you ſhew how active you are in counterfeiting any thing that may make

to your purpose; perswading your self, that it is no fraud unto God, to deceive the World in a lye for advantage.

King *Edward* the Fourth also (because his Right was litigious, and another was in possession of the Crown) strengthened, or rather countenanced his Title with the approbation of the People. But where you write, that at the Coronation of King *Edward* the Sixth, Queen *Mary*, and Queen *Elizabeth*, the consent and acceptation of the people was demanded: First, we have no cause to credit any thing that you say; then, although it be true, yet not being done in Parliament, it addeth no right unto the Prince; but is onely a formality, a circumstance onely of Ceremony and Order.

Hereupon you conclude, that a King hath his authority by agreement and contract between him and the people: insinuating thereby, that he loseth the same, if he either violate or neglect his word. The contrary opinion, that onely succession of Bloud maketh a King, and that the consent of the people is nothing necessary, you affirm to be absurd, base, and impious, an unlearned, fond, and wicked assertion; in flattery of Princes, to the manifest ruine of Commonwealths, and perverting of all Law, Order, and Reason.

I did always foresee that your impostumed stomach would belch forth some loathsome matter. But whosoever shall compare this confident conclusion with the proofs that you have made, he will rather judge you mad than un-

unwise. This bold blast, upon grounds that are both foolish and false, bewrayeth rather want than weakness of wits. I am ashamed I should offer any further speech in so evident a truth: but since I have undertaken to combate an Heresie, since the matter is of so great consequence and import, I purpose once again to give you a Gorge.

Learn then, heavy-headed Cloisterer, unable to manage these mysteries of State; learn of me, I say, for I owe this duty to all Christians: the Prophets, the Apostles, Christ himself hath taught us to be obedient to Princes, though both Tyrants and Infidels. This ought to stand with us for a thousand reasons to submit our selves to such Kings as it pleaseth God to send unto us; without either judging or examining their qualities. Their hearts are in Gods hand; they do his service, sometimes in preserving, sometimes in punishing us: they execute his judgment both ways, in the same measure which he doth prescribe. If they abuse any part of their power, we do not excuse, we do not extenuate it; we do not exempt them from their punishment: let them look unto it, let them assuredly expect that God will dart his vengeance against them with a most stiff and dreadful arm. In the mean season, we must not oppose our selves otherwise than by humble suits and prayers; acknowledging that those evils are always just for us to suffer, which are many times unjust for them to do. If we do otherwise, if we break into tumult and disorder,

order, we resemble those Giants of whom the Poets write, who making offer to scale the Skies, and to pull *Jupiter* out of his Throne, were overwhelmed in a moment with the Mountains which they had heaped together. Believe it, Cloisterer, or ask any man who is both honest and wise, and he will tell you: It is a Rule in Reason, a Tryal in Experience, an Authority confirmed by the best, That Rebellion produceth more horrible effects, than either the tyranny or insufficiency of any Prince.

An Answer to the sixth Chapter, whereof the title is,

What is due to onely Succession by Birth; and what interest or right an Heir apparent hath to the Crown, before he is crowned or admitted by the Commonwealth: and how justly he may be put back, if he hath not the parts requisite.

YOu begin (after your manner) with a carreer against *Bilay*; but because both I have not seen what he hath written, and dare not credit what you report, I will not set in foot between you.

In breaking from this, you prefer Succession of Princes before free Election, as well for

for other respects, as for the pre-eminence of Ancestry in birth, which is so much privileged in the Scripture: and yet not made so inviolable, (you say) but upon just causes it might be inverted, as it appeareth by the examples of *Jacob*, *Judah*, and *Solomon*. And this liberty you hold to be the principal remedy for such inconveniencies as do ensue of the course of Succession; as if the next in birth be unable or pernicious to govern: in which cases, if he be not capable of directions and counsels, you affirm that the remedy is to remove him. And so you make Succession and Election, the one to be a preservative to the other; supposing, that the difficulties of both are taken away, First, if ordinarily Succession taketh place; then, if upon occasion, we give allowance to Election.

For the Prerogative of Birth, as also for the special choice which God hath often made of the youngest, I will remit my self to that which I have written before (*g*). At once; in those particular actions which God hath either done, or by express Oracle commanded, contrary to the general Laws which he hath given us; as in the Robbery of the *Egyptians*, the extirpation of the *Amalekites*, the insurrection of *Jehu*, and such like; we are bound to the Law, and not to the Example. God hath given us a natural Law to prefer the first-born; he hath often made choice of the youngest, because he commonly worketh greatest effects, by means not onely weak, but extraordinary; as it appeareth by the birth of *Isaak*. But that these

(*g*) Cap. 1.

these special Elections of God are not proposed for imitation to us, hereby it is evident, because they have been for the most part without defect in the one, or demerit in the other. And especially in this example of *Jacob* and *Esau*, St. *Paul* saith (*b*) that it was not grounded upon their works, but upon the will and pleasure of God; for before they had done good or evil, before they were born, God said: (*i*) *The eldest shall serve the youngest*. Which if we might imitate, the priviledge of birth were given in vain.

(*b*) Ro. 9. 13

(*i*) Gen. 25. 23.

For your device in joyning Election to Succession, whereby one of them should remedy the difficulties of the other, it is a meer Utopical conceit: What else shall I term it? an imposture of State, a Dream, an Illusion, fit only to surprise the judgement of the weak and ignorant multitude. These toys are always hatched by the discoursive sort of men rather than the active; being matters more in imagination than in use: and herein two respects do principally oppose against you.

The first is, for that in most Nations of the world, the people have lost all power of Election; and Succession is firmly setled in one discent, as before I have declared (*k*).

(*k*) Cap. 1.

The second is, for that more fiery factions are hereby kindled, than where Succession or Election are meer without mixture. For where one claimeth the Crown by Succession, and another possesseth it by Title of Election; there, not a disunion only of the people, not a division in arms, but a cruel throat-cutting, a

most

most immortal and mercyless butchery doth usually ensue. It is somewhat inconvenient (I grant) to be governed by a Prince either impotent or evil; but it is a greater inconvenience, by making a breach into this high point of State, to open a way to all manner of ambitions, perjuries, cruelties and spoil; whereto the nature of the common-people would give a great furtherance, who being weak in Wisdom, violent in Will, soon weary of quiet, always desirous of change, and most especially in matters of State, are easily made serviceable to any mans aspiring desires. This I have manifested before (*l*), by the examples of King *Edward* and King *Richard*, both surnamed the Second: who were not insupportable either in nature or in rule; and yet the people, more upon wantonness than for any want, did take an unbridled course against them. And thus is your high Policy nothing else but a deep deceipt; thus whilst you strive with the wings of your wit to mount above the Clouds of other mens conceit, you sink into a sea of absurdities and errours.

(*l*) Cap. 3.

After this, you determine two questions: The first is, What respect is to be attributed to propinquity of bloud only. Whereto you answer, that it is the principal circumstance which leadeth us to the next Succession of the Crown, if other circumstances and conditions do concur, which were appointed at the same time, when the Law of Succession was established. Assuredly, you can never shew either when,

when, or by whom, this Law of Succession was first instituted, except perhaps by some *Nimrod*, when he had brought the neck of a people under his sword: at which time, what conditions he would set down to be required from his Successour, any ordinary judgment may conjecture at ease. Well, since you set us to seek for proof of this, to that which you have written before, I will also send you back to the same place (*m*) for your answer.

(*m*) Cap. 1.

The second question is, What interest a Prince hath to his Kingdom, before he be Crowned? This you resolve by certain comparisons; and first you write, that it is the same which the *German* Emperour hath before his Coronation. But that is so large, that some Emperours have never been Crowned; others have deferred it for many years; among which (*n*) *Crantzius* writeth, that *Otho* the First received the Crown of the Empire, in the eight and twentieth year of his Reign. And yet is not this comparison full to the question propounded; because in elective States there is not held one perpetual continuance of Royalty, as is in those that are successive. And (*o*) *Panormitane* saith, That an argument *a similibus* is not good, if any difference can be assigned. Much more unfitly do you affirm, that it is no greater than a Mayor of *London* hath in his Office, before he hath taken his Oath: For it is odiously absurd, to compare the Authority of an absolute Prince by succession, to the Authority of an Officer, both elective and also subject.

(*n*) Metrop. L. 3. cap. 20.

(*o*) In Procem. decret.

But

But it is the example of marriage (you say) whereby this matter is made more plain: for as in this contract there is an espousal, by promise of a future act, and a perfect marriage by yielding a present consent; the first is, when both parties do mutually promise that they will. The second, that they do take one the other for Husband and Wife: So an Heir apparent, by propinquity of blood is espoused only to the Commonwealth, and married afterward at his Coronation, by Oaths of either party, and by putting on the Ring, and other Wedding-garments. But how were Kings married in former ages? how are they now married in those Countrys, where they have neither Ring, nor Wedding-garment, nor also any Oath? What? is every Office and Degree which is taken with Ceremony, to be esteemed likewise a Marriage? Or if you will have Coronation onely to be a Marriage, what else can it resemble, but the publick celebration of Matrimony between man and woman? which addeth nothing to the substance of contract, but onely manifesteth it to the world.

These pitiful proofs naked of authority, empty of sence, deserve rather to be excused than answered: I will help therefore in some sort to excuse them. They are the best that your both starved cause and conceit can possibly afford: and you have also some fellows in your folly. *Heliogabalus* did solemnly joyn the statues of the Sun and of the Moon in marriage together. *Nero* was married to a man, and

and took also a man to his Wife. The *Venetians* do yearly upon *Ascension*-day, by a Ring and other ceremonies, contract marriage with the Sea.

But now in earnest; men do die whensoever it pleaseth God to call them: but it is a Maxime in the Common-Law of *England*: *Rex nunquam moritur*; *The King is always actually in life*. In *France* also the same custom hath been observed; and for more assurance, it was expresly enacted under (*p*) *Charles* the fifth, That after the death of any King, his eldest Son should incontinently succeed. For which cause the Parliament-Court of *Paris* doth accompany the funeral-obsequies of those that have been their Kings, not in mourning attire, but in Scarlet; the true ensign of the never-dying Majesty of the Crown.

In regard of this certain and incontinent succession, the (*q*) Glossographer upon the Decrees, noteth, That the Son of a King, may be called King during the life of his Father, as wanting nothing but administration: wherein he is followed with great applause by (*r*) *Baldus*, (*s*) *Panormitane*, (*t*) *Jason*, (*u*) *Carol. Ruinus*, (*w*) *Andreas Iserna*, *Martinus*, *Card. Alexander*, (*x*) *Albericus*, (*y*) *Fed. Barbatius*, (*z*) *Philip Decius*, and *Ant. Corsetta*, (*a*) *Fra. Luca*, (*b*) *Matthe*, *Afflict*. And the same also doth *Servius* note out of (*c*) *Virgil*, where he saith of *Ascanius*: *Regemq; requirunt*, his Father *Æneas* being yet alive.

But so soon as the King departeth out of life,

(*p*) About the year 1375.
(*q*) In c. ult. 24. q. 1.
(*r*) In l. quæsitum. D. de leg. 1.
(*s*) In c. tanta qui fil. sunt legit.
(*t*) Cons. 192. l. 2.
(*u*) Cons. 19. l. 1.
(*w*) In c. 1. tit. quis dicat. dux.
(*x*) In l. particum. c. de rei vind.
(*y*) In rep. rub. de capo & prop.
(*z*) Cons. 262. & in tract. de po. & excel. reg. q. 25.
(*a*) In tract. de privil. fis. par. 1. ca. 109.
(*b*) In tract. regnicolæ.
(*c*) Æneid. 9.

life, the Royalty is presently transferred to the next Successour, according to the Laws and Customs of our Realm. All Writs go forth in his Name; all course of Justice is exercised, all Offices are held by his Authority; all States, all Persons, are bound to bear to him Allegeance: not under supposal of approbation when he shall be Crowned, according to your dull and drousie conjecture, but as being the true Soveraign King of the Realm.

He that knoweth not this, may (in regard of the affairs of our State) joyn himself to St. *Anthony*, in glorying in his ignorance, and professing that he knoweth nothing. Queen *Mary* Reigned three months before she was Crowned, in which space the Duke of *Northumberland* and others were condemned and executed for Treason: for Treason, I say, which they had committed, before she was proclaimed Queen.

King *Edward* the first was in *Palestina*, when his Father died; in which his absence, the Nobility and Prelates of the Realm assembled at *London*, and did acknowledge him for their King. In his return homeward he did homage to the *French* King, for the lands which he held of him in *France*. He also repressed certain Rebels of *Gascoine*; amongst whom, *Gasco* of *Bierne* appealed to the Court of the King of *France*: where King *Edward* had Judgment, that *Gasco* had committed Treason (*d*); and thereupon he was delivered to the pleasure of King *Edward*. And this

(*d*) Wal. in E. 1.

hapned before his Coronation, which was a year and nine months after he began to reign.

King *Henry* the sixth was crowned in the eighth year of his Reign; and in the mean space, not only his Subjects did both profess and bear Allegeance, but the King of *Scots* also did swear Homage unto him.

What need I give any more either instance or argument, in that which is the clear Law, the uncontrouled custom of the Realm? Against which notwithstanding your weather-beaten forehead doth not blush to oppose a blind Opinion, that Heirs apparent are not true Kings, although their Titles be just, and their predecessors dead. This you labour to prove by a few dry conjectures, but especially and above all others (you say) because the Realm is asked three times at every Coronation, whether they will have such a man to be their King or no. First, we have good reason to require better proof of this question than your bare word. Secondly, although we admit it to be true, yet seeing the answer is not made by the Estates of the Realm assembled in Parliament, but by a confused concourse (necessary Officers excepted) of all sorts both of Age and Sex, it is for Ceremony only, and not of force, either to give or to increase any right.

Another of your Arguments is, for that the Prince doth first swear to Govern well and justly, before the Subjects take their Oath of Allegeance; which argueth, that before they were

were not bound. And further you affirm, that it hapned onely to King *Henry* the fifth, among his predecessors, to have fealty done unto him, before he was crowned, and had taken his Oath. I confess indeed, that *Polydore* and *Stow* have written so; but you might easily have found that they write not true; the one of them being a meer stranger in our State; the other a man more to be commended for endeavour than for art. King *John* being in *Normandy* when his Brother died, sent into *England Hubert* Arch-bishop of *Canterbury*, *William Marshal* Earl of *Strigvile*, and *Geoffry Fitzpeter* Lord Chief Justice, who assembled the States of the Realm at *Northampton*, and took of them an Oath of obedience to the new King. Also King *Henry* the Third caused the Citizens of *London*, the Guardians of the Cinque-ports, and divers others, to swear fealty to Prince *Edward* his son; who being in *Palestina* when his Father died, the Nobility and Prelates of the Realm assembled in the new Temple at *London*, and did acknowledge him for their King. And in like manner, King *Edward* the Third took an Oath of all the Nobility of the Realm, of faith after his death to *Richard* Prince of *Wales*; and so did King *Henry* the first, for his Daughter *Maude*, and her young son *Henry*.

(e) Anno reg. 23.

After the death of King *Henry* the Fifth, that Subjects did often swear allegeance before the Coronation and Oath of the King, you had neither Countenance nor Conscience to

deny: but it was neither of these two which did restrain you; it proceeded onely from the force of truth, which will manifest it self whatsoever art we use to disguise it. For otherwise, what Countenance, what Conscience had you to affirm, that it is expressly noted by our English Historiographers, That no Allegeance is due unto Kings before they be crowned? Who are these Historiographers? Where do they so write? You that search every dusty corner of your Brains for a few ragged reasons to uphold your Heresie, should not either have mentioned, or omitted such pregnant proofs: For in that you affirm and do not express them, you condemn your self by your own silence.

If you mean that which you alleadge out of *Polydore* and *Stowe*: That an Oath of fealty was never made before Coronation, until the time of King *Henry* the Fifth; it is neither true, nor to any such sence. If you mean that of *Polydore* in terming *Henry* the Fifth Prince and not King, before he was crowned; in writing also, that the States did consult in Parliament, (*f*) *Of creating a new King after the custom of their Ancestors*: It is a sleepie jeast, to strain every word in such an Author to propriety of speech. You might better have cited, what certain Cities in *France*, not long since, alleadged for themselves: That because they had not reputed *Henry* the Fourth for their King, because they had not professed Alleageance unto him, they were not to be adjudged Rebels: Whereupon

(*f*) De novo rege creando more majorum.

upon notwithstanding the chiefest Lawyers of our age did resolve, that forasmuch as they were original Subjects, even Subjects by birth; they were Rebels in bearing Arms against their King, although they had never professed alleageance. And this is so evidently the Law of the Realm, that it is presumption in us both: in you, to assay by your shallow Sophistry to obscure or impugn; in me, to endeavour by authorities and arguments to manifest or defend the same.

But the admission of the people (you say) hath often prevailed against right of Succession. So have Pyrates against Merchants; so have Murtherers and Thieves against true meaning Travellers. And this disloyalty of the people hath moved divers Kings to cause their Sons to be crowned during their own lives; because the unsetled state of succeeding Kings doth give opportunity to boldest attempts; and not as you dream, because admission is of more importance than succession.

I will examine your Examples in the Chapters following. In the mean time, where you write, that King *Henry* and King *Edward*, both called the Fourth, had no better way to appease their minds at the time of their death, but by founding their Title upon consent of the people; the Authors (*g*) which you cite do plainly charge you with unexcusable untruth. King *Edward* never made question of his right: King *Henry* did, as some other Authors report (*b*); but applied no such deceitful comfort: this false skin would not then serve to cover his wound.

(*g*) Sir Tho. Moor, and Stow.

(*b*) Holingshed.

An Answer to the Seventh Chapter, which beareth title,

How the next in Succession by propinquity of Blood, have oftentimes been put back by the Commonwealth, and others further off admitted in their places, even in those Kingdoms where Succession prevaileth; with many Examples of the Kingdom of Israel *and* Spain.

HEre you present your self very pensive to your audience, as though you had so over-strained your wits with store of Examples of the next in Succession not admitted to the State, that you had cracked the credit of them for ever. But you are worthy of blame, either for endangering or troubling your self in matters of so small advantage. I have shewed before, that Examples suffice not to make any proof; and yet herein doth consist the greatest shew of your strength. It is dangerous for men to be governed by Examples though good, except they can assure themselves of the same concurrence of reasons, not onely in general, but in particularities; of the same direction also and carriage in Counsel; and lastly, of the same favourable fortune: but in actions which are evil, the imitation is commonly worse than the

the example. Your puffie discourse then is a heap of words without any weight; you make mountains, not for Mole-hills, but of Moats; long harvest of a small deal, not of Corn, but of Cockle: and (as one said at the shearing of Hogs) great cry for a little, and that not very fine Wool.

Yea, but of necessity something you must say: yea, but this something is no more than nothing. You suppose, that either your opinion will be accepted, more for authority of your Person, than weight of your Proofs; or else that any words will slide easily into the minds of those who are lulled in the humour of the same inclination; because partiality will not suffer men to discern truth, being easily beguiled in things they desire. Besides, whatsoever countenance you carry, that all your Examples are free from exception, yet if you had cast out those which are impertinent, or unjust, or else untrue, you could not have been overcharged with the rest.

Your first example, that none of the Children of *Saul* did succeed him in the Crown, is altogether impertinent: because by particular and express appointment of God (*i*), the Kingdom was broken from his posterity. We acknowledge that God is the onely superiour Judge of Supream Kings, having absolute both Right and Power, to dispose and transpose their Estates as he please. Neither must we examine his actions by any course of Law, because his Will is above all Law. He hath enjoyned the people to be obedient to

(*i*) 2 Reg. 15. & 16. 2 Reg. 2 & 5

their Kings, he hath not made them equal in authority to himself. And whereas out of this example you deduce, that the fault of the father may prejudicate the sons right, although he had no part in the fault; to speak moderately of you, your judgement is either deceitful or weak. God in his high Justice, doth punish indeed the sins of Parents upon their Posterity (*k*): but for the ordinary course of Humane Justice, he hath given a Law, that the Son shall not bear the iniquity of the Father (*l*): The equity whereof is regularly followed, both by the Civil (*m*) and Canon (*n*) Law; and by the Interpreters of them both (*o*).

Your second example is of King *Solomon*, who succeeded in the State of *David* his Father, notwithstanding he was his youngest Son. But this example in many respects falleth not within the compass of your case. First, because he was not appointed Successour by the people, and we speak what the people may do to direct Succession. Secondly, for that the Kingdom was not then stablished in Succession. Lastly, for that the action was led by two Prophets, *David* and *Nathan*, according to the express choise and direction of God (*p*): whereby it is no rule for ordinary right.

Here many points do challenge you of indiscretion at the least. You write that *David* made a promise to *Bathsheba* in his youth, That *Solomon* should succeed in his estate: but if you had considered at what years *Solomon*

(*k*) Exod. 20. 5.
(*l*) Ezec. 18. 20. Jer. 31. 29. Deut. 24. 16. 2 Chron. 25. 2.
(*m*) L. siquis suo. §. Legis C. de in off. test. l. generali. D. de rit. nup. l. filiam. D. de senator. l. adoptivum. D. de in jus voc.
(*n*) Dist. 56. per tot.
(*o*) gl. & D. ib. & in c. vel non est de temp. ord.
(*p*) 1 Chro. 22. 8, 9.

mon began to Reign, you should have found that *David* could not make any such promise, but he must be a youth about threescore years of age. You write also, that *David* adored his Son *Solomon* from his bed: but the words wherewith *David* worshipped were these (*q*): *Blessed be the Lord God of* Israel, *who hath made one to sit on my Throne this day, even in my sight*; whereby it is evident, that *David* adored God and not his Son. This I note rather for observation of the loosness of your Judgment, than for any thing it maketh to the purpose. You are so accustomed to untruths, that you fall into them, without either advantage or end. (*q*) 3. Reg. 2. 48.

The like answer may be given to your example of *Roboam*; because God declared his sentence therein by two Prophets, *Ahiah* (*r*) & *Shemaiah* (*s*). But for that the ten Tribes revolted from *Roboam* upon discontentment at his rough answer, and with dispite against *David* and his House, and not in obedience to Gods Decree, we cannot excuse them from offence, for which it turned to their destruction. For hereupon, first they were separated both from the place and manner of the true Worship of God; then, there arose unappeasable War, between them and the Tribe of *Judah*; then, insolencies following disorders, they were never long time free from Conspiracies, Divisions, and Tumults: by which means being drained both of Wealth and Inhabitants, and reduced to a naked weakness, they (*r*) 3. Reg. 11. 31. (*s*) 3. Reg. 12. 24.

they were lastly carried captive into divers far Countries, and strangers were sent to inhabit their Cities.

I must here also observe a few of your interpretations, wherein your boldness is not limited with any bounds. It is to be noted (you say) that before *Reboboam* went to *Shechem* to be admitted by the people, he was not accounted true King. I desire therefore that you would satisfie us in these places following. Before *Reboboam* went to *Shechem*, the Scripture saith, that *Solomon* died, & was buried, and *Reboboam* his Son reigned in his stead (*t*). Again, after the defection of the ten Tribes it is said, that in the Cities of *Judah Reboboam* did Reign still (*u*); implying thereby, that in the other Cities he reigned before. Again, they are said to have rebelled against the house of *David* (*w*). And lastly, *Reboboam* raised all the strength of *Judah* and *Benjamin*, to bring the Kingdom again unto him (*x*).

(*t*) 3. Reg. 11. 43.
(*u*) 3. Reg. 12. 17.
(*w*) 3. Reg. 12. 19.
(*x*) 3. Reg. 12. 21.

Further you write, that ten Tribes refused to admit *Reboboam*; but the Scripture saith, that they rebelled (*y*). What? did God only allow hereof after it was done? did he only permit the people to do it? The Scripture testifieth, that it was his Decree, that it was his Deed, and that he declared his Will by *Abijah* the Prophet (*z*), during the life of *Solomon*, and for his sins. But these special Warrants do not constitute a Law; they serve onely to make good the particular actions for which they are directed, and not to justifie another.

(*y*) 3. Reg. 12. 19.
(*z*) 3. Reg. 11. 31.

nother the like. Lastly, St. *Paul* saith, that all things hapned to the Jews in figure; upon which place divers Expositors have noted, that the State of the Jews was a figure of the Church of Christ: but that it was an example and patern of all other States that should ensue, it shall be ranged among your cast conceits.

I refer me now to the judgment of any man, who taketh not pleasure to beguile himself, whether you do not by art and trumpery manifestly abuse us; partly by incapacity, and partly by deceit, either corrupting or confounding whatsoever you take in hand. Your humour both discontented and unquiet, hath armed your mind with bloudy desires; which have edged you on to put fewel to those flames, which you should endeavour to quench, though it were with your bloud.

I will not stand upon the particular Examples of *Spain*, as well for that the matter is both tedious and to little purpose; as also for that we have small conformity with the Customs of that Nation. Onely thus much in general: We acknowledge that in ancient times the Kingdom of *Spain* was Elective, and therefore your Examples drawn from thence are nothing pertinent. The Examples of latter times are both few and unjust, carried onely by Faction and by Force; as *Garibay* * testifieth of your Example of *Aurelio*; and as by the Example of D. *Sancho el Bravo* I have declared before (*a*). But you account

* Pag. 414.

(*a*) Cap. 3.

Faction

Faction to be the Commonwealth, and Violence Justice, when it may make to the furtherance of your affairs.

The History of D. *Berenguela* I will briefly report, rather for the respect which guided the *Castilians*, than that I allow it for Right which they did. *Henry* had two Sisters: *Donna Blanch* the eldest, married to *Lewes* the eighth King of *France*; and *Berenguela* the youngest, married to *Alphonso* King of *Leon*. *Henry* dying without Issue, the *Castilians* feared if they should submit themselves unto *Blanch*, that their State being less than the State of *France*, would be made a Member thereof, and governed as a Province, and not as a Kingdom. And therefore they did rather chuse to profess Allegiance to the Lady *Berenguela*; by which means the Kingdom of *Leon* was afterwards annexed unto *Castile*, to the great increase both of dignity and assurance to them both. I have followed herein your own Authors, not being ignorant that others of better name do write, that *Berenguela* was the eldest Sister, as I shall have occasion hereafter to declare: but for the present, let it be as you please; and let us weigh our own wisdoms, not onely in straining, but in forging Titles, to incur those mischiefs which the *Castilians* rejected a lawful Title to avoid.

And this was also one of the Motives of the Revolt of *Portugal*, which is your last Example; although it had also (as *Garabay* (*b*) writeth) a concurrence of Right. For *Ferdinand*

(*b*) Lib. 34. cap. 833.

dinand King of *Portugal*, by his Procurators the Bishop of *Ebora* and others, did both contract and solemnize espousals with *Elianor*, Daughter of *Peter* King of *Aragon*. But being entred into War with *Henry* King of *Castile*, and finding himself at some disadvantage, he forsook the King of *Aragons* Daughter, and contracted himself to *Elianor*, Daughter to the King of *Castile*, upon very beneficial Conditions for his State. Afterward, falling into fancy with one of his Subjects, named *Elianor Telles de Menesses*, Wife to a Nobleman called *Lorenzo Vasques de Aounna*, he took her as his Wife, and enforced her Husband to avoid the Realm; and had by her one onely Daughter named *Beatrix*, who was joyned in marriage to *John* King of *Castile*. After the death of the King of *Portugal* her Father, the King of *Castile* in the right of his Wife, laid claim to that Realm, and was accordingly acknowledged by the chief of the Nobility and Prelates; and in particular, by *D. John* Master of *Avis*, her Fathers base Brother, who was then the most forward man in her favour. But afterwards falling into quarrel, and having slain the Count *de Oren*, he stirred the people against the Queen, and compelled her to quit the City. And after divers Outrages and Murthers committed upon the Bishop of *Lisbon*, an Abbess, and many others, he was first made Governour of *Portugal*; and then proceeding further, in an Assembly of his Party gathered at *Coimbra*, he was made King. *Garabay*

(c) Pa. 845. *rabay* writeth (c) that the chiefeſt objection againſt *Beatrix* was, becauſe her Mother was not King *Ferdinand*'s lawful Wife. And I believe you alſo, that they had a reflex not to loſe the dignity of their Kingdom (as now they have done) and be made ſubject to the cruel both Avarice and Ambition of a more potent State.

An

An Answer to the eighth Chapter, which is entituled,

Of divers other examples out of the States of France *and* England, *for proof, that the next in Blood are sometimes put back from Succession, and how* God *hath approved the same with good Success.*

YOur Examples of *France* (to which Nation we are more near both in situation and Laws) I will run over with a swift course. Of the Change which twice hath hapned in the whole Race of the Kings of *France*, I have spoken before: *d* You seem also either to threaten or presage the third Change, from the King who now reigneth, and other Princes of the House of *Bourbon*. It was your desire, you applyed your endeavour, with all the power and perswasions you could make. You knit divers of the Nobility in a treacherous League against him; you incensed the People; you drew in Forreign Forces to their assistance: by which means, the Realm fell daily into change of distresse, the men of Arms making all things lawful to their Lust. The Good did fear, the Evil expect; no place was free, either from the rage or suspition of Tumult; few to be trusted, none assured, all things in commixtion; the Wisest too weak, the Strongest too simple, to avoid the Storm which brake upon them:

d Cap. 3.

the People Joyning to their miserable Condition many Complaints, That they had been abused by you, in whose Directions they found nothing but Obstinacie and Rashnes, two dangerous Humours to lead a great Enterprise. At the last, when lamentable Experience had made that known unto them, which they had no Capacity by reason to foresee, they expelled as well your Company as Counsel out of the Realm; and so the Firebrands which you had kindled, were broken upon your own Heads; having opportunity by your just banishment to take into Consideration both the Weakness and Wrong of your Advice.

The partition of the Realm of *France* betwen *Charles the Great* and *Charloman* his younger Brother, and also the uniting thereof again in *Charles*, after the death of *Charloman*, depended upon the disposition of *Pepin* their Father, and not upon the Election of the People. *Girard* saith, that [e] *Pepin* having disposed all things in his new Realm which he thought necessary for the surety thereof, he disposed his Estate; leaving the Realm of *Noion* to his Son *Charles*; and to *Charloman* his other Son, that of *Soisons*, & that by the death of *Carloman*, both his Place and his Power did accrue unto *Charles*. In this manner, the first of a family, who hath [f] attained a Kingdom, hath ordinarily directed the Succession thereof.

[e] *Lib. 1 de l'estat. fol. 45.*

The Contention between *Lewis le Debonaire* and his sonnes, according to your own Author *Girard*, [f] proceeded and succeeded

[f] *De l'estat.*

teeded after this manner. Certain Lords of *France* taking discontentment at the immoderate favours, which the king shewed toward *Berard* his great Chamberlain, conspired against him; and for their greater both countenance and strength, drew his owne sonnes to be of their faction. But *Lewis* brake this broile, more by foresight than by force; and doing execution upon the principal offenders, pardoned his Sons. Yet they, interpreting this lenity to slackness of courage, rebelled again, gathered a greater strength, & drew Pope *Gregory* the fourth to be accomplice of their unnatural impietie: whereby it appeareth (saith *Girard*) that they are either foolish or mischievous, who will affirm, that every thing is good which the Popes have done. Afterward they took their Father, under colour of good faith, and sent him prisoner to *Tortone*, and then at *Compeigne* assembled a Parliament, composed of their own confederates, wherein they made him a Monk, and brought his estate into division and share. It is easie to conjecture (saith the same *Girard*) what miserable conditions the Realm then endured; all Laws were subverted, all things exposed to the rage of the Sword, the whole Realm in combustion, and the people extreamely discontented at this barbarous impiety. In the end *Lewes*, by the aid of his faithful servants was taken out of prison, and restored to his Kingdom; and his Sons acknowledging their fault,

were received by him both to pardon and favour. His son *Pepin* being dead, he divided his Realm among his other three Sons, *Charles*, *Lewes*, and *Lothaire*; but *Lewes* rebelled again, and was again received to mercie: lastly, he stirred a great part of *Germanie* to revolt, with grief whereof the good old man his Father died. After his death, *Lewes* and *Lothaire*, upon disdain at the great portion which their Father had assigned to their brother *Charles*, raised war against him. The Battel was given, wherein *Charles* ramained victorious, reducing them both under such conditions, as he thought convenient to impose. Lo here one of your plain and evident examples, which is so free from all exception. But mindes corruptly inclined, hold nothing unlawful, nothing unreasonable, which agreeth with their passion.

Loys le Begue, succeded after *Charles*, not as you affirm, by authoritie of the states, but (as in *France* at that time it was not unusuall) by appointment of his Father. And wheras you write, that *Loys* at his first entrance had like to have bin deprived by the states, but that calling a Parlament, he made them many fair promises to have their good will; it is a very idle untruth, as appeareth by the Author whom you avouch. At his death, he left his wife great with child, who afterward was called *Charles* the simple. But before he had accomplished the age of 12 years, there stept up in

in his place, first *Loys* and *Carloman* his bastard brothers; then *Charles* surnamed *le Gros*; and after him *Odo* Earle of *Paris*. Then *Charles* the right heir attained the Crown; and then again were raised against him, first *Robert*, Earle of *Angiers*; and afterward *Ralph* king of *Burgundie*. But where you attribute these mutations to the authoritie of the states, *Girard* saith, that they where by faction and usurpation of such, who from the weakness of their Prince, did make advantage to their own ambition; affirming plainly, that between the death of *Loys le Begue*, and *Charles* the simple, not one of them who held the crown of the Realm was lawfull king [g], noting further, that the first two races of Kings, were full of cruel parricides & murthers; and that in those times the Realm was often travelled with tempests of sedition.

[g] Di l'estaro lib. 1. p. 55

Of the usurpation of *Hugh Capet* I have spoken before: *Girard* writeth, [h] that although he sought many shadows of right, yet his best title was by force, which is the common right of first usurpers. And whereas you write, that *Henry* the first was preferred to the crown of *France* before *Robert* his helder brother: First, it was not by appointment of the states, but of their father; Secondly, *Girard* maketh the matter doubtfull, affirming, that some said he was the younger brother; Lastly, it set up a dangerous and doubtfull war between them.

[h] l. 8. f. 60, b

Fol. 63

Further, where you write, that *William*

being a baſtard, ſucceded *Robert* his Father in the Duchie of *Normandie*, notwithſtanding the ſaid *Robert* left two brothers in life, it was at that time a cuſtom in *France*, that baſtards did ſucceed, even as lawfull children. *Thierry* baſtard of *Clovis*, had for his partage the kingdome of *Auſtraſie*, now called *Lorraine*. *Sigisbert* baſtard of King *Dagobert* the firſt, parted with *Clovis* the twelfth, his lawfull brother. *Loys* and *Carloman* baſtards of King *Loys le Begue*, reigned after their Father. But in the third race of the kings of *France*, a law was made, that baſtards ſhould not ſucced in the Crown; and yet other baſtards of great houſes were ſtill advowed, the French being then of the ſame opinion with *Peleus* in *Euripides*. k

k In Andromache.

Πολλάκις δ' ἤτοι
νόθοι τε πολλοὶ γνησίων ἀμείνονες.

Oftentimes many Baſtards excell thoſe that are lawfully Born: which is verified by *Hercules*, *Alexander the Great*, *Romulus*, *Timotheus*, *Themiſtocles*, *Homer*, *Demoſthenes*, *Brutus*, *Bion*, *Bartolus*, *Gratian*, *Peter Lombard*, *Peter Comeſtor*, *Jo. Andreas*, and divers other of moſt Flouriſhing name.

Your examples of *Lewes* the 6. and *Lewes* the 11. are not worth a word in anſwer. In the beginning of their reign, you affirm that they had like to have been dis-inherited

ted by the State, for the offences of their Father. You bear a minde charged with thoughts Vain, Busie, and Bold, without any restraint either of Honesty or of Discretion. For how else could you here also affirm, that King *Henry* the third of *England*, was condemned by his Barons to be disinherited, for the fault of his Father? It is usual with you in all your reports, either plainly to break beyond the bounds of all truth, or grossely, (for I cannot now say artificially) to disguise it, with many false and deceiveable terms. But to conclude for the state of *France*, which is also to exclude whatsoever you have said; under the Reign of *Charles* the fift, for the better establishment, of this right, and for cutting off those calamities which accompany usurpation, there was a Law made, that after the death of any King, the eldest Son should incontinently succeed. 1373.

We are now come to our English examples, of which you might have omitted those of the *Saxon* Kings; as well for that there could be no setled form of Government in those Tumultuous times, as also for that our Histories of that Age are very imperfect, not leading us in the Circumstances, either of the manner or occasion of particular actions: they declare in Gross what things were done, without further opening, either how or wherefore. But both these do make for your advantage: for who seeth not, that your examples are chiefly bred in

Tempestuous times; and the obscuritie of Histories will serve for a shadow to darken your deceit.

Well, let us take both the Times and Histories as they are. How will you maintain that *Egbert* was not next Successor to *Briticus* by propinquitie of Blood? *Briticus* left no Children, and *Egbert* was descended of the Blood Royal, as *Polydore* affirmeth; [m] *William Malmesbury* [n] saith, that he was the only Man alive of the Royal Blood, being descended of *Ingeild*, the Brother of King *Ina*. How then is it true which you say, that *Briticus* was the last of the royal Descent; and if it had been so indeed, the right of Election should then have been in the State. And thus you Stumble at every step, you entangle your self without Truth or End. You snatch at the words of *Polydore*, where he saith; *He is created King by consent of all*: which do imply no other sense, but that which a little after he saith; *That he was saluted King by all.* So we finde also, that the like Improper speech was used at the Coronation of *Philip* the Second, King of *France*, whereby the Archbishop of *Reimes* did Challenge power in the right of his See, to make Election of the King.

That *Adelstane* was illegitimate, you follow *Polydore*, a Man of no great either Industry or Judgement. *William Malmesbury* [o] accounted *Egwina* the Mother of *Adelstane*, to be the first Wife of King *Edward* his Father: he termeth her also a noble Woman, contrary to that which *Polydore* fableth.

m Lib. 4. circa fin.
n De gest. Ang. lib. 1. ca. 2.
o Lib. 2. c. 5.

Henry

Henry Huntington, *Roger Hoveden* and others, write no otherwise of him, but as of one that was lawfully Born. And in that you english these words of *Polydore*, *Rex dicitur*; *Rex a populo salutatur*; *He was made King by the People*: In that you affirm also, that for the opinion of his valour he was preferred before his Brethren which were lawfully born, whom you acknowledge to be Men of most Excellent both Expectation and proof; you do plainly shew, that use hath made you too open in straining of truth.

Eldred did first take upon him but as Protector, because of the minoritie of the sonnes of *Edmund* his elder brother; and afterward entred into full possession of the Crown. But that his Nephewes were put back by the Realm, it is your own idle invention; it was no more the act of the realme, than was the usurpation of King *Richard* the third.

That *Edwin* was deposed from his estate, it is inexcusably untrue. *Polydore* [p] writeth, that the *Northumbrians* and *Mercians* not fully setled in subjection, made a revolt. *Malmesburie* [q] saith, that he was maimed of a great part of his kingdome, by the stroke of which injurie he ended his life. And whereas you write in commendation of Kind *Edgar* his next successor, that he kept a Navie of 6600 shippes for defence of the Realme, you discover your defective judgement in embracing such reports for true.

[p] Lib. 6.

[q] Lib. 2. c. 8.

In that you say, that many good men of the Realm were of opinion, not to admit the

the succession of *Ethelred* after the death of his brother, I dare confidently affirm, that you do not only tell, but make an untruth; having no author either to excuse or countenance the same. In that you write also, that between the death of *Edmund Ironside*, and the reigne of *William* Conquerour, it did plainly appear what interest the Common-wealth hath to alter titles of succession; it doth plainly appear, that both you reason and your conscience is become slavish to your violent desire. For what either libertie or power had the Common-wealth under the barbarous rage and oppression of the *Danes*? when *Canutus* had spread the wings of his fortune over the whole Realm, none having either heart or power to oppose against him, what choice was then left unto the people? what room for right? what man not banished from sobrietie of sense would ever have said, that he was admitted king by the whole Parliament and consent of the Realme? It is true, that after he had both violently and unjustly obtained full possession of the Realme, slain the brother of *Edmund Ironside*, and conveyed his Children into *Sweden*, he assembled the Nobilitie, and caused himself to be crowned king: but neither the form nor name of a Parliament was then known in *England*; and if coronation were sufficient to make a title, no king should be accounted to usurp.

Of *Harold* the first, the natural Son of *Canutus*, our Histories doe verie differently report.

report. *Saxo Grammaticus* writeth, that he was never king, but that he died before his Father. *Henry* of *Huntington* reporteth that he was appointed but as Regent for his brother *Hardicanutus*. Others write, that apprehending the opportunitie of his Brothers absence, he invaded *Northumberland* and *Mercia*, by force of the *Danes* who were in *England*, whereupon the Realm was divided, one partholding for *Harold*, and another for *Hardicanutus*, who was in *Denmark*. But because he delayed to come into *England*, they all fell, rather not to deny then to acknowledge *Harold* for their king. Take now which of these reports you please, for all do serve to your purpose alike.

Hardicanutus after the death of *Harold*, came out of *Denmark* into *England*: and the people having their courages broken with bondage, were easie to entertain the strongest pretender. But after his death, divers of the Nobility, especially *Godwin* Earl of *Kent*, rising into hope to shake off their shoulders the importable yoke of the *Danes*, advanced *Edward* the Son of *Ethelbred* to the Crown, as being the next of the Race of the *Saxon* Kings, though not in blood, yet at hand; for *Edward* the Outlaw his elder Brother, was then in *Hungary*: and fear being the only knot that had fastened the people to the *Danish* Kings, that once united, they all scattered from them, like so many birds whose Cage had been broken.

ken. *Edward* being dead, *Harold* the Son of *Godwine* usurped the Kingdom: for as *Malmesbury* saith; r *By extorted faith from the nobility he fastned upon the Crown a forceable gripe*: *Henry Huntington* also, and out of him *Polydore* do write, that upon confidence of his power he invaded the Crown s which usurpation gave both encouragement and successe to the Enterprise of the *Normans*. This short passage of History you do defile with so many untruths, that it seemeth you have as natural a gift to falsifie, as to eat, drink, or sleep.

r *Extorta a principibus fide arripuit diadema.*

s *Viribus & genere fretus regni Diadema invasit.*

But where you write that *William* the Conqueror formed any title by consent of the Realm, you grow into the degree of ridiculous. We find that he pretended the Institution of King *Edward*, which had neither probability nor force; and that he was nearer to him in blood, than *Harold* the Usurper: but that he ever pretended the Election of the People, it is your own clouted conceit. For when he had routed the *English* Army in the field, when he had sacked their Towns, harrassed their Villages, slain much people, and bent his Sword against the breasts of the rest, what free Election could they then make? Your self acknowledge also in another place, t that he came to the Crown by dint of Sword; and at his death his own conscience constrained him to confesse, that he took it without right u. And in that the Pope and the *French* King favoured his Enterprise,

t *In part. 2. ca. 2. pa 12.*

u *Lib. vit. Will. [illegible]*

enterprise, it is not material, this is not the first injustice which they have assisted. Neither was it the Popes hallowed Banner (as you affirm) but the Bow and the Arrow, the only weapon of advantage long time after to this Nation, whereby he did obtain the Victory. One help he had also within the Realm, for that King *Edward* had advanced divers *Normans*, to high place both of Dignity and Charge; who gave unto him much secret both incouragement and assistance in his Attempt.

And thus in all these turbulent times, you are so far from finding five or six, that you are short of any one, who was made King by free Authority of the People.

King *William Rufus* made no other Title to the Crown, but the Testament of his Father: For often use hath confirmed it for Law, that a Victor may freely dispose of the Succession of that State, which he hath obtained by the purchase of his Sword. * The Conqueror disinherited his Eldest Son, *Robert*, for that joining with *Philip* King of *France*, he invaded, wasted and spoiled *Normandy*, and joyned in open battel against his Father, wherein the Father was unhorsed and wounded, and brought to a desperate distress of his Life. Hereupon he cast forth a cruel Curse against his Son, which he could never be intreated to revoke: in so much that upon his death-bed he said of him [w], that it was a miserable Countrey which should be subject to his Dominion, for that

* Cin. & Bartol. in L. [illegible] perialis, [illegible]

w Lib. Vid. Will. conq.

that he was a proud and foolish Knave, and to be long scourged with cruel Fortune. And whereas you write that at the time of his Fathers death he was absent in the war of *Jerusalem*, it is a very negligent untruth.

But it is an idle untruth that you write, that *Henry* the first had no other Title to the Crown, but the Election of the People. He never was Elected by the People; he never pretended any such Title. *Nubrigensis*, *x* and after him *Polydore* *y* do report, that he laid his Title, because he was born after his Father was King. *Malmesbury* *z* saith; *Henry, the youngest Sons of* William *the Great, being an Infant, according to the desires and wishes of all men was excellently brought up* * *because he alone, of all the Sons of* William, *was Princely born, and the Kingdom seemed to appertain unto him. He was born in* England *in the third year after his Father entred into it.* And this was the like Controversie to that which *Herodotus* (*a*) reporteth, to have happened between the Sons of *Darius*, the Son of *Hystaspis*, King of *Persia*, when he prepared an expedition against the *Grecians* and *Ægyptians*: because by the Laws of *Persia*, the King might not enter into enterprise of Arms, before he had declared his Successor. *Darius* had three Children before he was King, by his first Wife, the Daughter of *Gobrie*; and after he attained the Kingdom, he had other four by *Antosa*, the Daughter of *Cyrus*. *Artabazanes* was eldest of the first sort, *Xerxes* of the second. *Artabazanes* al-

x Lib. 1. cap. 8.
y In Henr. 1. fol. 181.
z In Henr. 1. lib. 5.

* *Quod solus omnium filiorum Willielmi natus est regio, & ei regnum videretur competere.*

a In polyhimn.

alledged, that he was eldest of all the Kings children; and that it was the Custom amongst all men, that the eldest should enjoy the Principality. *Xerxes* alledged, that he was begotten of *Atossa*, the daughter of that King, by whose puissance the *Persians* had gained, not onely Liberty, but also Power. Before *Darius* had given sentence, *Demaratus* the son of *Aristo*, cast out of his Kingdom of *Sparta*, came unto *Xerxes*, and advised him to alledge further, that he was the eldest son of *Darius* after he was king: and that it was the Custom of *Sparta*, that if any man had Children in private estate, and afterward another son when he was King, this last son should be his Successor: upon which ground *Darius* pronounced in the bealf of *Xerxes*. The same History is reported by *Justine* *b*, and touched also by *Plutarch* *c*, although they differ, both from *Herodotus*, and one from the other in some points of circumstances. Hereto also agreeth that which *Josephus* writeth *d*, in reprehending King *Herod*, for excluding *Alexander* and *Aristobulus* his Sons, and appointing *Antipater*, born to him in private estate, to succeed in his Kingdom.

b Lib. 2.
c Lib. de fraterna benevolentia.
d Antiq. li. 16. cap. 3.

Many great Lawyers have subscribed their opinions to this kind of title; and namely *Pet. Cynus*, *Baldus*, *Albericus*, *Raph. Fulgosius* *e*, *Rebuffus* *f*; and *Anto. Corsetta* *g* delivereth it for a common opinion. But with this exception, if the kingdom be acquired by any other title then by succession, according

e In l. imperialis. sect. illud.
C. de nupt.
f In l. si senatus C. de dignit. li. 12.
g In tract. de pot. & excell. reg sect. 16.

ding to proximity in blood: for in this case, because the dignity is inherent in the stock, the eldest Son shall succeed, although he were born before his father was King *h*. And therefore *Plutarch* writeth *i* that after the kingdom of *Persia* was setled in succession, when *Darius* the King had four Sons, *Artaxerxes* the Eldest, *Cyrus* the next, and two other; *Parysatis* his wife having a desire that *Cyrus* should succeed in the kingdom, pressed in his behalf the same reason wherewith *Xerxes* had prevailed before: affirming, that she had brought forth *Artaxerxes* to *Darius*, when he was a private man; but *Cyrus*, when he was a king. Yet *Plutarch* writeth, that the reason which she used was nothing probable; and that the eldest was designed to be King.

h Pet. Jac. in arb. success. reg. Franc. Jo. Rai. in cap. praterea. tit. de probis feud. ali & intract. nobil. quæst. 30. Jac. a S. Georg. in tract. feud. D. Benedic. in rep. c. Rainutius. n. 200 de testam.

i In Artaxerxe.

Howsoever the right stood between *Robert* Duke of *Normandie*, and his younger brothers, the fact did not stand either with the quiet or safetie of the Realm. For, during the reigne of *William Rufus*, it was often infested upon this quarrel, both with foreign arms and civil seditions; which possessed all places with disorder, and many also with fire, rapine and bloud, the principal effects of a licentious war.

These mischiefs not onely continued but encreased in the reigne of King *Henry*, untill *Robert* the eldest brother was taken prisoner in the field, which put a period to all his attempts. So dangerous it is upon any pretence to put by the next in Succession to the Crown.

This

This *Henry* the first left but one Daughter, and by her a young Son named *Henry*, to whom he appointed the Succession of the Realm: and took an Oath of all the Bishops, and likewise of the Nobility, to remain faithful unto them after his decease. Yet you write, that because *Stephen*, Son of *Adela*, Sister to King *Henry*, was thought by the States more fit to govern, he was by them admitted to the Crown In which assertion, you cannot be deceived, you do not err; but your passion doth pull you from your own Knowledge and Judgement. *Polydore* k writeth, that he possessed the Kingdom contrary to his Oath, for which cause the minds of all men were exceedingly moved: some did abhor and detest the impiety; others, and those very few, unmindfull of Perjury, did more boldly then honestly allow it, and followed his part. Further he saith, l that he was crowned at *Westminster*, in an assembly of those Noble Men who were his Friends. *Nubrigensis* affirmeth, that m violating his Oath he invaded the Kingdom.

William Malmesbury, who lived in King *Stephen's* time, saith n; that he was the first of all Lay-men, next the King of *Scots*, who had made Oath to the Empresse *Maud*; and that he was Crowned, o three Bishops being present (of whom one was his Brother) no Abbot, and a very few of the Nobility. *Henry Huntington*, who

k *Lib. 12. in prin.*

l *Ibidem.*

m *Sacramenti prævaricator regnum invasit.*

n *In hist. novel l. 1, fol. 101 a.*

o *Tribus episcopis præsentibus, nullis abbatibus pontificum optimatibus.*

who lived also in the same time, saith [p]; that by force and impudence, tempting God, he invaded the Crown. Afterward he reporteth [q], that being desirous to have his Son *Eustace* Crowned King with him, the Bishops withstood it, upon Commandement from the Pope, because he took upon him the Kingdom against his Oath [r]. *Roger Hoveden* writeth [s], that he invaded the Crown in manner of a tempest.

p *Lib.* 8. p. 221. *Vigore & impudentia fretus.*

q *Pa.* 221.

r *Quia regnum contra juſjurandum præripuiſſe videbatur.*

s *Pa.* 275. *quaſi tempeſtas inveſtit.*

This is the report of those Writers who came neerest, both to the time and truth of this action: whom other Authors do likewise follow. *Polydore* [t], and after him *Hollingshead* [u], do write, that he took upon him the Crown, partly upon confidence in the power of *Theobald* his Brother, Earl of *Blois*; and partly by the aid of *Henry* his other Brother, Bishop of *Wincheſter*. *Walsingham* addeth [w], that *Hugh Bigot*, who had been King *Henries* Steward, took an Oath before the Archbishop of *Canterbury*, that King *Henry* at his death appointed *Stephen* to be his Succeſſour. Whereupon the Archbishop and a few others were over-lightly led, like men blinded with security, and of little foresight: never considering of dangers, until the means of remedy were past.

t *In princ. l.* 12.

u *In Steph.*

w *Hypodig.* pa. 38.

You write, that they thought they might have done this with a good conscience, for the good of the Realm. But what good

good conscience could they have, in defiling their faith? Such consciences you endeavour to frame in all men, to break an oath with as great facility, as a Squirrell can crack a Nut. What good also did ensue unto the Realm? The Nobility were set into factions; the common people into division and disorder: and as in Wars, where discipline is at large, there insolencies are infinite; so in this confusion of the State, there was no action which tended not to the ruin thereof; the Lives and Goods of Men remaining in continual pillage. *Polydore* saith: * *Matrons were violated, Virgins ravished, Churches spoiled, Towns and Villages rased, much Cattle destroyed, innumerable Men slain.* Into this miserable face of extremities the Realm did fall; and into the same again you strive to reduce it.

* l. 12. p. 207.

But you say, that for the ending of these Mischiefs, the States in a Parliament at *Wallingford* made an Agreement, that *Stephen* should be King during his life, and that *Henry* and his Off-spring should succeed after his death. A man would think you had a mint of Fables; there is no History which you handle, but you defile it with apish untruths. All our Histories agree, that King *Stephen*, unable to range things into better form, did adopt *Henry* to be his Successor. The second *Huntington* saith, * that this agreement was mediated, by the Archbishop

* p. 228.

of *Canterbury*, and the Bishop of *Winchester*, who repented him of the furtherance he gave to the advancement of King *Stephen*, when he saw what Miseries did thereupon ensue. The like doth *Hoveden* report *: and *Holinshead* † setteth down the form of the Charter of agreement between them; whereby it is evident, that it was a translation between them two, and no compulsory act or authority of the State. I deny not but some Authors affirm, that the King assembled the Nobility, but neither were they the States of the Realm, neither were they assembled to any other end, but to swear Fealty unto *Henry*, saving the King's Honour so long as he should live.

* Fol. 291. a.
† p. 62.

After the death of King *Richard* the first, you affirm that the Succession was again broken; for that *John*, Brother to King *Richard*, was admitted by the States, and *Arthur* Duke of *Britain*, Son to *Geoffry*, Elder brother unto *John*, was against the ordinary course of Succession excluded. Well, Sir, I arrest your word; remember this I pray you, for I will put you in mind thereof in another place. That which here you affirm to be against the ordinary course of Succession, you bring in another place for proof, that the Uncle hath right before the Nephew. You do wildy waver in variety of Opinion, speaking flat contrary, according as the Ague of your passion is either in fit or intermission. The

The History of King *John* standeth thus. King *Richard* the first dying without issue, left behind him a Brother named *John*, and a Nepew called *Arthur*, Son of *Geoffry*, who was Elder Brother unto *John*. This *Arthur* was appointed by King *Richard* to succeed in his Estate; as *Polydore* writeth *, *Nubrigensis* saith, that he should have been established by consent of the Nobility, if the *Britains* had not been so foolishly either suspicious or fond, that when King *Richard* sent for him, they refused to commit him into his Uncles hands.

* Lib. 14. in prin.

But after the death of King *Richard*, his Brother *John* seized upon his Treasure in *Normandy*, came over into *England*, and in an Assembly only of the Nobility, was crowned King. Of these, many he won, with such liberal Protestations and Promises, as men careless of their word are wont to bestow; others were abused by the persuasions of *Hubert* Archbishop of *Canterbury*, and a few others (saith *Polydore a*) not well advised.

a Lib. 15. p. 262.

Nic. Trivet saith b, that *John* pretended for his Title, not the election of the People, but propinquity of Blood c, and the testament of King *Richard*. The same also is affirmed by *Walsingham* d. And this is the Question between the Uncle and the Nephew, of which I shall have occasion to

b In prolo. p.

c Jure propinquitatis.

d Hypodig. p. 59.

speak hereafter. But *Polydore* saith *f*, That divers Noble-men did account this to be a fraudulent Injustice, and thereupon did ominate those Evils which afterward did ensue. And when the Archbishop was charged, That under colour of Reason, partly subborned, and partly weak, he had beene the occasion of all those Mischiefs, *Polydore* *g* saith, That he was both grieved and ashamed at nothing more; *Rog. Wenden* affirmeth, That he excused himselfe, that he did it upon Oracles, and by the gift of Prophesie.

f Lib. 15. p. 263.

g p. 269.

King *John* having locked himself into the Saddle of state, made one wrong which he had done, to be the cause of a greater wrong, by murthering his Nephew, *Arthur*, Duke of *Britan*, whose inheritance he did unjustly usurp. For this fact the French King deprived him of all the Lands which he held in Fee of the Crown of *France*, and prosecuted the Sentence to effect. After this, as men are easily imboldened against an Usurper, when once he declineth either in Reputation or in State, divers of the Nobility, especially they of the North, confederated against him: but being neither able to endure his war, nor willing to repose trust in his peace, they contracted with *Lewes* the French Kings son, to take upon him to be their King. And so it often happeneth in civil contentions, that they who are weakest, do run with a naturall rashnesse to call in a third.

Lewes

Lewes being arrived upon the coast of *Kent*, the Nobilitie of that faction *h*, came and sware allegiance unto him. The *Londoners* also, many upon an ordinary desire to have new Kings, others for fear, and some for company, joyned to the revolt. Hereof a lamentable presence of all miseries did arise, whereby as well the Liberty as the Dignity of the Realm, were brought to a near and narrow jump. The poor people, naked both of help and hope, stood at the curtesie and pleasure of the men of arms; the liberty of war making all things lawfull to the fury of the strongest. The Nobility, feeling much, and fearing more the insolency of the French Nation, who (as Vicount *Melin* a Nobleman of *France* confessed at his death) had sworn the extirpation of all the Noble Bloud in the Realm, began to devise how they might returne into the allegiance of King *John*: in so much as a little before his death, Letters were brought unto him from certain of his Barons, to the number of forty, who desire to be received again into his peace. But after his death, which happily did happen within five moneths after the arrivall of the French, both their hatred and their feare being at an end, they were all as ready to cast out *Lewes*, as they had been rash to call him in.

h Walsing. hypodigma. pa. 56.

This History you corrupt with verie ma-

ny odious untruths, which are more harsh to a well-tuned ear, then the crashing of teeth, or the grating of copper. As namely, in affirming, that *Arthur* was excluded, and *John* crowned King by the States of the Realm; that God did more defend this act of the Common-wealth, then the just Title of *Arthur*; that by the same States King *John* was rejected, Prince *Henry* his son deprived, and *Lewes* of *France* chosen to be King; that the same States recalled their sentence against Prince *Henry*, disannulling their Oath and Allegiance made unto *Lewes*. A shameless tongue, governed by a deceitful mind, can easily call Faction, the Common-wealth; Rebellion, a just and judicial Proceeding; open and often Perjury, an orderly revoking of a Sentence; Gods secret Judgment in permitting Injustice to prevail, a plain defence and allowance thereof.

Of the division of the Houses of *Lancaster* and *York*, it is but little that you write, whereto I have fully answered before: you do wisely to give a light touch to this Example, it is so hot that it will scald your throat. King *Henry* the fourth, more carried by cursed ambition, then either by necessity or right, laid an unjust gripe upon the Realm, which afterward he did beautifie with the counterfeit Titles of Conquest and Election. So violent are the desires of Princes to imbrace streined Titles, by which they may disturb the States of other; not remem-

remembring, that Right may be trodden down, but not trodden out; having her secret both means to support, and seasons to revive her. For although the lawful Successor did warily strike sail to the Tempest, because neither the time running, nor the Opportunity present (which are the Guiders of Actions) did consent as then to enter into enterprise; yet so soon as one hair of occasion was offered, his progeny did set up a most doubtful war, wherein thirteen Battels were executed by English-men only, and above fourescore Princes of the Royal Blood slain.

Lo now the smiling success of these usurpations; lo what a dear purchase of repentance they did cause! Were it not that passion doth blind men; not only in desire but in hope, they might suffice to make us advised, to keep rather the known and beaten way with safety, then upon every giddy and brainless warrant to engulph our selves in those Passages wherein so many have perished before us. It belongeth to wise men to avoid mischiefs; and it is the reward of fools to lament them.

Go too then, conclude if you please, that the people are not bound to admit him to the Crown, who is the next Successor by propinquity of blood, but rather to weigh, whether it is like that he will perform his charge, or no. Conclude this (I say) to be your

your Opinion; and that it seemeth to you to be conform to all Reason, Law, Religion, Piety, Wisdom, and Policy, and to the Custom of all Common-wealths in the World: and I will assuredly conclude against you, that you prate without either warrant or weight.

An Answer to the Ninth Chapter, which beareth this Title:

What are the Principal Points which a Commonwealth ought to respect, in Admitting or Excluding any Prince; wherein is handled largely also, of the Diversity of Religions, and other such Causes.

IN this Passage you handle what Cause is sufficient either to keep in, or to cast out of State the next in Blood. In which Question you determine, That God doth allow for a just and sufficient Cause, the Will and Judgment of the People. Your Reason is, For that they are Judge of the Thing it self, and therefore they are the Judge also of the Cause. Your Antecedent you prove, first, For that it is in their own Affair: secondly, For that it is in a Matter that hath its whole Beginning, Continuance, and Substance from them alone. Your Consequence you prove by a whole lump

lump of Law, in alledging the entire Body of the Civil and Canon Law, assisted also with great Reason.

Diogenes said of a certain Tumbler, That he never saw Man take more pains to break his Neck. In like sort we may say of you, It is hard to find a Man that hath more busied his Wits to overthrow the Opinion of his Wisdom. For, the first Proof of your Antecedent is not onely of no force for you, but strong against you; because no Man is a competent Judge in his own Cause; no Man can be both Party and Judge: Whereto I will add, That no Inferiour hath Jurisdiction over the Superiour, much less the Subject against the Sovereign.

Your second Proof, That all the Power of a King hath dependency upon the People, I have sufficiently encountred before *. And if your Consequence were true, That whosoever is Judge of a thing, is Judge also without controllment of the Cause; if this were as agreeable to all Laws as you seem to believe, then were all Judgments arbitrary; then could no Appeal be interposed, for giving Sentence without just Cause; then were it false which *Panormitan* writeth *, that a false Cause expressed in a Sentence maketh it void.

* Cap. 1.

* In c. per tuas. Qui fil. sint le-git.

What shall I say? What do you think? Do you think that these fat Drops of a greasie Brain can bring the Tenure of a Crown

Crown to the Will of the People? What are you, who endeavour thus boldly to abuse both our Judgment and Conscience? Are you Religious? Are you of Civil either Nature or Education, who under the name of *Civilian* do open the way to all manner of Deceits, Perjuries, Tumults, and Treasons? What are you? For you shew your self more prophane than Infidels; more barbarous than Cannibals, *Tartarians*, *Moors*, and *Mamalucks*; who though they please themselves in nothing more than Hatred and Contempt, yet do they both love and honour their Kings. I see what you are, the very true Follower of the *Anabaptists* in *Germany*, who openly professed, That they must ruinate the State of Kings. And who can assure us (for your corrupt Dealings make all Suspicions credible) that you do not also follow them both in Desire and Hope to embrace the Monarchy of the whole World? The difference between you is this: They pretended Revelation for their Warrant; you work by deceitful shew of Reason, by falsly either alledging, or wresting, or corrupting both Humane and Divine Authority.

In what miserable condition should Princes live, if their State depended upon the Pleasure of the People, in whom Company taketh away Shame, and every Man may lay the Fault on his Fellow? How could they command? Who would obey? What

could they safely either do or omit? Who knows a People, that knoweth not, that sudden Opinion maketh them hope; which if it be not presently answered, they fall into hate, chusing and refusing, erecting and overthrowing, as every Wind of Fashion doth puff? What steddiness in their Will or Desire, which having so many Circles of Imagination, can never be enclosed in one Point?

And whereas you write, That God always approveth the Will and Judgment of the People, as being properly the Judge of the whole Business; and that every particular Man must simply submit himself thereunto, without further inquisition, although at divers times they determine Contraries, (as they did between the Houses of *Lancaster* and *York*) because we must presume they were led by different Respects. You seem not obscurely to erect thereby another privileged Power upon Earth, which cannot err, which doth not deceive.

But it may be some honest-minded Man will say, That howsoever you write, your meaning was otherwise: You write also afterward, That in two Cases every Private Man is bound to resist the Judgment of the whole People, to the uttermost extent of his Ability. Well then, let us take you for a Man whose Sayings disagree, both from your Meaning, and between themselves; let

let us consider what are your two Exceptions.

The first is, when the Matter is carried not by way of orderly Judgment, but by particular Faction of Private Men, who will make offer to determine the Cause without Authority of the Realm committed unto them. But this Exception is so large, that it devoureth the whole Rule: for in Actions of this quality, the Original is always by Faction; the Accomplishment by Force, or at least by Fear, howsoever they are sometimes countenanced with Authority of the State. So *Sylla*, having brought his Legions within the Walls of *Rome*, obtained the Law *Valeria* to be published, whereby he was created Dictator for twenty four Years; by means of which Force, *Cicero* affirmeth * that it was no Law. Likewise *Laurence Medices*, having an Army within *Florence*, caused, or rather constrained the Citizens to elect him Duke. When *Henry* the Fourth was chosen King, he held Forty thousand Men in Arms. And this is most evident by your own Example, of four contrary Acts of Parliament, which at divers times were made, during the Contention between the Families of *Lancaster* and *York*, not upon different Reasons, as with little reason you affirm, but upon different Success of either Side.

* *Lib. de Legibus.*

In Matters of this moment, the orderly Course

Course of Proceeding is onely by Parliament. The Parliament must be summoned by the King's Writ, and no Act thereof hath Life but by expres Consent of the King. If this Form had always been observed, neither our Kings should have been deposed, nor the next Successors excluded, nor the Title of the Crown entangled, to the inestimable both weakning and waste of all the Realm.

Your second Exception is, When such a Man is preferred to the Crown, by whom God is manifestly offended, and the Realm prejudiced or endangered: In which Case (you say) every Man, with a free and uncontrolled Conscience, may resist what he can.

It was even here I looked for you. Your broyling Spirits do nothing else but fling Firebrands, and heap on Wood, to set Kingdoms in Combustion. What Rebellion, what Revolt hath ever been made, but under some of these Pretences? What Princes Actions, either by malicious or ignorant Interpretation, may not easily be drawn to one of these Heads? You are a Nursery of War in the Commonwealth, a Seminary of Schism and Division in the Church: In sum, All your Actions, all your Thoughts are barbarous and bloody.

You write much of Right and Justice; but

but you measure the Right and Justice of a Cause, by the Advantage of your own Affairs. You speak as having a tender sense of the Glory of God; but you stretch out your Throat with high Words of Contradiction against him: You make shew of Care to preserve the State; but you are like the Ivy, which seemeth outwardly both to embrace and adorn the Wall, whereinto inwardly it doth both eat and undermine. For, what Means, either more ready or forcible, to overthrow a State, than Faction and Intestine Quarrels? And what other Milk do you yield? What are your Opinions, what your Exhortations, but either to set or to hold up Sedition and Bloodshed? St. *Paul* teacheth us not to resist high-
* Rom. 13. er Powers *, although both cruel and prophane; you teach us to resist them what we can. The Apostle is followed of all the Ancient Fathers of the Church; you are followed of those onely who follow the *Anabaptists*. For my part, I had rather err with the Apostle in this Opposition, than hold Truth with you. But I will speak more moderately in a Subject of such a nature: I will not say then, That I had rather err; but, That I shall less fear to err, in not resisting, with the Apostle, than in resisting, with you. *New Counsels are always more plausible than safe.*

After you have plaid the *Suffenus* with your self, in setting the Garland upon your own

own Head, and making your imaginary Audience to applaud your Opinion, as worshipfully wise, you proceed to declare what ought chiefly to be regarded, in furthering or hindering any Prince towards the Crown. Three Points (you say) are to be required in every Prince; Religion, Chivalry, and Justice: And putting aside the two last, as both handled by others, and of least importance, you assume onely to treat of Religion; wherein either Errour or Want doth bring inestimable Damage to any State.

You draw a long Discourse, That the highest End of every Commonwealth is the Service and Worship of God; and consequently, That the Care of Religion is the principal Charge which pertaineth to a King. And therefore you conclude, That whatsoever Prince doth not assist his Subjects to attain this End, omitteth the chief part of his Charge, and committeth High Treason against his Lord, and is not fit to hold that Dignity, though he perform the other two Parts never so well: And that no Cause can so justly clear the Conscience, whether of the People, or of particular Men, in resisting the Entrance of any Prince, as if they judge him faulty in Religion.

This is neither nothing, nor all which you say. In Elective States, the People ought not to admit any Man for King, who is either cold or corrupt in Religion; but if

they have invested such a one with Sovereign Authority, they have no Power at pleasure to remove him. In Successive Kingdoms, wherein the People have no Right of Election, it is not lawful for Private Men, upon this cause, to offer to impeach either the Entrance or Continuance of that King, which the Laws of the State do present unto them; not onely because it is forbidden of God, (for that is the least part of your regard) but because disorderly Disturbance of a setled Form in Government, traineth after it more both Impieties and Dangers, than hath ever ensued the Imperfections of a King.

I will come more close to the Point in controversie, and dispel those foggy Reasons which stand between your Eye and the Truth. There are two Principal Parts of the Law of God; the one Moral, or Natural, which containeth three Points, Sobriety in our selves, Justice towards others, and generally also Reverence and Piety towards God: The other is Supernatural, which containeth the true Faith of the Mysteries of our Salvation, and the special kind of Worship that God doth require. The first God hath delivered by the Ministry of Nature to all Men; the second he doth partly reveal, and partly inspire to whom he pleases: and therefore although most Nations have in some sort observed the one, yet have they not onely erred, but failed in the other.

During

During the time of the Law, this peculiar Worſhip of God was appropriate onely to the People of *Iſrael*, in a corner Kingdom of the World: The flouriſhing Empires of the *Aſſyrians*, *Medes*, *Perſians*, *Ægyptians*, *Græcians*, *Syrians*, and *Romans*, either knew it not, or held it in contempt. The *Iſraelites* were almoſt always in ſubjection under theſe both Heathen and Tyrannical Governments, and yet God by his Prophets enjoyned them Obedience, affirming, That the Hearts of Kings were in his Hands, and that they were the Officers of his Juſtice, the Executioners of his Decrees.

In the time of Grace, the true Myſteries both of Worſhip and Belief were imparted alſo to other Nations; but the ordinary Means to propagate the ſame, was neither by Policy, nor by Power. When St. *Peter* offered provident Counſel (as he thought) unto Chriſt, adviſing him to have care of himſelf, and not to go to *Hieruſalem*, where the *Jews* ſought to put him to death, Chriſt did ſharply reprove him for it *: When he did draw his Sword, and therewith alſo drew Blood in defence of Chriſt, he heard this Sentence, † *They that take the ſword ſhall periſh with the ſword.* Chriſt armed his Apoſtles onely with Fiery Tongues *, by force whereof they maintained the Field, againſt all the Stratagems and Strength in the World: And when Princes did not onely

* *Mat.* 16. 23.

† *Mat.* 26. 52.

* *Act.* 2. 3.

reject but Persecute their Doctrine; they taught their Subjects obedience unto them
r Rom. 13. 1. Pet. 2. r, they did both encounter and overcome them, not by resisting, but by persisting and enduring.

This course seemeth strange to the discourse of Reason, to plant Religion under the Obedience of Kings, not only careless thereof, but cruel against it: but when we consider that the Jews did commonly forsake God in prosperity, and seek him in distress; that the Church of Christ was more pure, more zealous, more entire, I might also say more populous, when she travelled with the Storme in her Face, then when the wind was either prosperous or calme s that as S.
s Contra Petilianum, *Augustine* saith s, *Want or weakness of faith is usually Chastised with the Scourges of tribulations*; We may learn thereby no further to examin, but to admire and embrace the unsearchable wisdom and will of God.

Seeing therefore that this is appointed the ordinary means, both to establish and encrease Religion, may we adventure to exchange it with humane devices? Is it the Servants duty either to contradict or dispute the Masters commandement? is there any more ready way to prove an Heretick, then in being a curious questionist with God? is he bound to yield to any man a reason of his will? It is more then presumption, it is plain Rebellion to oppose our reason

ſon againſt his order, againſt his decree.

It ſtandeth alſo upon common Rules: *That which is contrary to the nature of a thing doth not help to ſtrengthen, but deſtroy it: It is fooliſh to add external ſtay, to that which is ſufficient to ſupport it ſelf. It is ſenceleſs to attempt that by force, which no force is able to effect: That which hath a proper Rule, muſt not be directed by any other.* And this was both the Profeſſion and practice of the antient Fathers of the Church, as I have declared before t; whereto I will here add that which S. *Ambroſe* ſaith u: *Let every man bear it patiently, if it be not extorted from the Emperor, which he would be loath the Emperor ſhould extort from him.* And leſt they might be interpreted not to mean obedience, as well to ſucceſſion as to preſent Power, they alledge that which the Captive Jews of *Babylon* did write, to the tributary Jews which were at *Jeruſalem* w; to pray for the life not only of *Nebuchodonoſor*, the King of *Babylon*, but alſo of *Baltaſar* his Son, the next Succeſſor to his Eſtate.

t *Ca.* 2.
u *Epiſt* 32.
w *Hieron.* 29. *Baruch.*

But in latter times, *Innocentius* hath taught, and is alſo ſeconded by *Caſtrenſis* x, that love is a juſt cauſe to move armes for matters of Religion; Under which pretence, divers men have purſued their own private purpoſes and ends. *Guicciardine* writeth y, that *Firdinand* who was called the catholick, did cover all his covetous and ambitious deſires, with the honeſt and holy vail of religion:

x *in rep. l.* 2 *de juſt.*
y *lib.* 12.

z lib. 30. the like doth *Jovius* report z of *Charles* V. Emperour. *Paulus Emilius* x writeth thus of all:

x Paul. Æm. 6. 78. *every man professeth his war to be holy; every man termeth his enemies impious, sanctity and piety is every mans mouth, but in advise; and in action nothing less. The contention is for worldly right, take away that, and you shall find no cause of war. Now they pretend piety to every mischief: the name of holy warfare, (most miserable) is applied unto arms.*

Hereupon such cruel calamities have ensued in most parts of *Europe*, and especially in *Germany* and *France*, with so little furtherance to that cause, for whose supportance force was offered, that all the chief Writers of our Age are now reduced to the former opinion; affirming with *Arnobius* a, that Religion is of power sufficient for it self: with *Tertulian* also b, *Lactantius* c, *Cassiodorus* d, *Josephus* e, *S. Barnard* f, and others, that it must be perswaded and not enforced. They of your Society, as they took their original from a Souldier, so they are the only *Atheologians* whose heads entertain no other Object but the Tumult of Realms; whose Doctrine is nothing but confusion and blood-shed; whose Perswasions were never followed, but they have made way for all miseries and mischiefs to range in, to come forward, to thrive, to prevail. You have always bin like a winter Sun, strong enough to raise Vapours, but unable to dispel them. For most cowardly Com-

a Advers. 3 4.
b Apolo.
c. Inst. 29. 21.
d 2. Var. 27. et lib. 10. ep. 29.
e de Vi. Sa.
f cant. ser.

Companions may set up strife; but it is maintained with the hazzard, and ended with the ruine, always of the worthiest, and sometimes of all.

The sum is this. So long as we express pure piety, both in our Doctrine and in our doings, all will go well: but when we make a mixture of divine and humane both Wisedom and Power; when we preach policy; when we make a common trade of Treason; when we put no difference between Conscience and Conceit; we must needs overthrow either Religion or our selves.

Now I will answer the Reasons of your Assertion. First you say, That if Princes do not assist their Subjects in the honour and service of God in this life, God should draw no other fruit or commodity from humane Societies, then of an Assembly of brutish Creatures. But this Reason is not only weak, as it may appear by that which hath been said, but also brutish, and (which is worse) prophane. For what fruit, what commodity doth God draw from Societies of men? is not his Glory perfect in it self? can we add any thing to the excellency thereof? hath he any need of our broken worship? God is an absolute Being, both comprehending, and exceeding all Perfections: an Infinite Being, therefore his sufficiencies neither can be encreased, nor depend upon any, but only of himself. He was from Eternity without any

world, and a thousand worlds more cannot at all encrease his felicity and glory: he did create the world, not to participate any thing thereof, but to communicate from himself unto it. Hereupon *Job* saith *g*, *What profit is it to God if thou be just? What advantage is it to him if thy wayes be clean?* Surely we must be better enformed of the soundnes of your judgment, before we dare depend upon the authority of your word.

g. 22. 3.

You put us in mind that you compared an Heir apparant to a Spouse, betroathed onely and not married to the common wealth. I remember it well; but I did not take you for such a widower of wit, that you could think it worthy to be repeated. And yet that which hereupon you deduce out of S. *Paul* maketh altogether against you. S. *Paul* saith *h*, that if a brother hath an infidel to wife, if she consent to abide with him, he may not put her away: and likewise if a woman hath an infidel husband: but if the infidel doth depart, then the Christian is free. Now if you will needs make a marriage between a King and his Subjects, you might hereupon conclude, that if an infidel King will hold his state, the people may not dispossess him.

h. 1. Cor. 7.

And wheras you affirme, That all they who differ in any point of Religion, and stand wilfully in the same, are Infidels the one to the other, you shew both a violence and weakness of mind. For obstinate Error in certain Articles of Faith, and not in the whole

whole state and substance thereof, doth make an Heretick, but not an Infidel. And although the Canon Law doth in some case dissolve marriage between a Christian and an Infidel *i*; yet doth it not permit the like between a true Christian and an Heretick *k*. And *Panormitane l* in his doubting manner denyeth, that the Church hath power to authorise divorce in case of herisie. So that allowing your comparison for good, yet in case of infidelity, *S. Paul*; in case of Heresie, the Cannon Law is altogether against you.

i. c. Judæ. 28. q. 1. c. quanto de divor.
k. d. c. quanto c. gaudemus de divort.
l. In c. ex parte. 2. de conver. coniug.

You add, that albeit the Religion which a man professeth be never so true, yet whosoever hath a contrary perswasion thereof, he shall sin damnably in the sight of God, to prefer that man to a charge, where he may draw others to his Opinion. But I will omit this strain, and yet rather as impertinent than true. For there are few Nations in the world, wherein the people have right to prefer any man to be King: and that which you alledge out of *S. Paul m* for your proof is very different from the case which you do form. The Apostle speaketh when an action is of it self indifferent, but a weak Conscience judgeth it evil, being also evil by circumstance, in offending others: you speak where an action is good in it self, but an erronious conscience judgeth it evil. I allow, that a good action contrary to conscience is unprofitable; but that

m Rom. 14. 1. Cor. 8.

that it is always a damnable sin I dare not affirm. I dare not affirm that the Roman army did damnably sin, in deferring the Empire to *Jovinian*; who excusing himself, (as *Zonaras* writeth) because being a Christian he could not command a Pagan army, they did notwithstanding confirme him Emperour, by which means they did afterward embrace the Christian faith. The like doth *Orosius* report, that *Valentinian*, being discharged by *Julian* from being Tribune, because he was a Christian, by consent of the Souldiers was created *Augustus*. I rather take it to be a damnable sin, which *Zonaras* o writeth of the *Bulgarians*, in taking arms against their King, because he was converted to Christian Religion, albeit they did according to their Conscience. It were wasting time to dive into the depth of this question; because it appertaineth to Elective States, and not unto us. But where you write without either authority or proof, that to assist, or not to resist the advancement or government of any King, whom we judge faulty in Religion, is a most damnable sin, of what side soever the truth be; you breath out most filthy and unsavory smoke; you lift up your voice into high blasts of blasphemy against the most High.

p Rom 13. God hath taught by the Apostle S. *Paul* p, that whosoever resist the higher Powers (which at that time were Infidels) receive unto themselves damnation; you teach, that who-

whosoever doth not in the like case resist, doth damnably offend. Were not the spirit of division, otherwise called the Devil, seated in your soul, you would not thus openly oppose the setlings of your rotten brain, against the express and direct sentence of God. What? is it a damnable sin to do every man right? is it damnable to give *Cæsar* that which is his due *q*? to give tribute, honour, fear, to whom they appertain *r*? The Apostle saith, that Christians by resisting the power of Infidel Rulers, do acquire unto themselves damnation *s*: and shall we yield credit unto you, that Turks, Moors, Infidels, should damnably sin, either in admitting or enduring the authority of a Christian Prince? How cheap do you value the judgments of men? at how low rate do you prize both your conscience and credit? I could rise into riot of words upon you, were it not that I respect what is seemly, rather for me to speak, then for you to hear.

q Matth. 22. 17. *r* Mar. 12. 17. Luc. 20. 25? *s* Rom. 13. 7?

s Rom. 13. 2.

Certainly if we had received no such commandement from God, the regard of the quiet of humane societies is sufficient to overwhelm your Heritical Assertion: for seeing there are many different professions of Religion, not only in the World, but almost in every Nation of the World: seeing also, Cas *Philo* saith *t*) every man, either by use or instruction, judgeth his own Religion best: what surety could any Prince, what safety could any people enjoy, if your fiery opinion should take place? what assutance

t De legat.

can

can there be of Life or of State, where the Sword beareth sway upon such occasions, and that guided by hands both Tumultuous and fierce. And seeing among many Religions there can be but one Truth, if all Men should be obstinately bent against the Government of any, who in their Judgment is Faulty in Religion; what likelihood can we either conceive or conjecture, but that many Errors would soon prevail against the only Truth. And therefore 'tis far more moderate and safe, to use the ordinary means both of maintaining and propagating the truth, and to commit the success thereof unto God; and (as *Josephus* adviseth) not to offer either contumelie or violence against any Religion, lest we provoke thereby the Professors thereof to do the like against ours.

Your last Reason is drawn from Policy and consideration of State; because a King will neither trust nor favour, much less advance him, that is not of the same Religion with himself: but to the contrary, he shall be Subject to all molestations, injuries and other aversions, which are incident to those who are not current with the present course of affairs.

Oh Sir; this is the *Helene* for which you contend; you concur in opinion with those *Athenians* of whom *Alexander* demanded divine honours; not so obstinately to defend

defend Heaven, as to lose the benefit of the Earth. This is the mark whereat you aime, this is the Compass whereby you sail; as divers flowers do open and close, according to the Motion of the Sun; so according to the variation hereof, you extend or restrain your plyant Conscience as you please.

But the Appostle teacheth us to be obedient to higher Powers, for Conscience sake [a], and not for any private respect.

[a] Rom. 13.5

Besides, all Princes are not of that disposition whereof you speak. *Suidas* writeth of one, who changeing Religion to please his King, was therefore adjudged to lose his head; one being appointed to cry at the time of his Execution; *He that keepeth not Faith with God, what sound Conscience can he bear towards Men?* The Protestants in *France* are not altogether cast either out of Favour or out of Charge: and many Roman Catholicks in *England*, do enjoy their full part, of all the plenty and pleasures that the Realme can afford.

Lastly, what have you to do with Reasons of State? This is the Eagles Feather which consumeth your devotion. Your Office is to meditate, to pray, to instruct men in pure Devotion, to settle their Souls in Piety and in Peace. But do you contain your selves within these limits? nothing less. You take upon

upon you the Policy of State; you rend and deface the reputation of Kings; you make your selves both judges and moderators of all their actions, allowing them to fly no further then you give them wings. You dispose not only their Affairs, but their Crowns at your pleasure; you hunt them not to Covert but to Death. You contrive ways to compass your designs; you train up your Followers in the high mistery of Treason; you cast into every Realm the Apple of Strife: your Doctrine is to no other use but as Drumms, Fifes, and Trumpets, to incense Fury.

To these ends you wrest Scriptures, you corrupt Histories, you counterfeit Reasons, you corrupt all Truth (pardon my plainness I pray you, I have not attended to your dexterity in disguising matters with smooth terms) you are obstinate to hazard rather all dangers, then to be cut off from one point of your purpose. You acknowledge no Religion but your Will, no Law, but your Power: all Lies, Treacheries, and Frauds do change their Nature, and become both lawfull and laudable actions, when they bear for the advantage of your affairs.

But this is directed to devotion, (you will say) and as you terme it, *ordine ad deum, for a holy and Religious end.* Away then with your devotion, and so we shall be rid of your dangerous deceit. Away I say with your

your devotion; or else we will conclude of you as *Livie* did of *Annibal*: Nihil. *veri, nihil sancti, nullus deum metus nullum jus jurandum, nulla religio.*

ὑπὲρ ἴδιε δοῖξαι.

FINIS.